

FROM THE OFFICE OF

INTERNAL AFFAIRS - CONFIDENTIAL

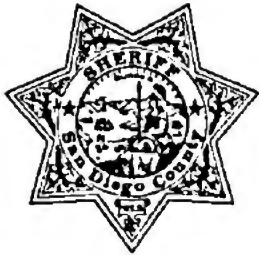
February 11, 2015

TO: File

FROM: Christine Harvel, Lieutenant
Internal Affairs Unit

IA CASE #2014-167.1 – Deputy-Detentions/Ctsvc Robert Toohey #5896

On 02-011-2015, Deputy-Detentions/Ctsvc Robert Toohey retired from the Sheriff's Department and County Service in lieu of termination.



San Diego County SHERIFF'S DEPARTMENT

NOTICE OF PROPOSED DISCIPLINARY ACTION

TO: Sheriff Bill Gore		DATE: 2/03/2015	
It is recommended that the following disciplinary action be administered to the below named employee:			
EMPLOYEE'S NAME:	Robert Toohey	TITLE:	Deputy Sheriff-Detentions
DEPARTMENT POLICY AND / OR PROCEDURE SECTION(S) VIOLATED:	[REDACTED]	2.4 Unbecoming Conduct	
	2.5 Immoral Conduct	2.6 Conformance to Laws	
	[REDACTED]	2.14 Use of Alcohol/Off Duty	
RECOMMENDED DISCIPLINE:	Termination		
SECOND LEVEL SUPERVISOR:	Lt. Hernandez	DATE:	02/03/2015
LIST PRIOR RELATED OFFENSE(S) WITHIN LAST FIVE YEARS WITH DATE & ACTION			
I have been advised of the above charges and recommended discipline:			
EMPLOYEE'S SIGNATURE:		DATE:	
2 nd LEVEL SUPERVISOR SIGNATURE:		DATE:	
3 rd LEVEL SUPERVISOR SIGNATURE:		DATE:	
COMMENTS:			
REVIEWED BY INTERNAL AFFAIRS:		DATE:	
4 th LEVEL SUPERVISOR SIGNATURE:		DATE:	
COMMENTS:			
ADDITIONAL REVIEW:		DATE:	
ADDITIONAL REVIEW:		DATE:	
ADDITIONAL REVIEW:		DATE:	
INTERNAL AFFAIRS SECTION			
<input type="checkbox"/> WRITTEN REPRIMAND BY:		DATE:	
<input type="checkbox"/> NOTICE OF INTENT AND CHARGES:		DATE:	
<input type="checkbox"/> ORDER SERVED:		DATE:	
<input type="checkbox"/> CIVIL SERVICE NOTIFIED:		DATE:	
<input type="checkbox"/> PAYROLL NOTIFIED:		DATE:	
FINAL ACTION TAKEN:		DATE:	



COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

February 2, 2015

TO: Bill Gore, Sheriff

FROM: Simon Hernandez, Lieutenant
Las Colinas Detention and Reentry Facility

VIA: Chain of Command

Disciplinary Recommendation and Rationale for Deputy Sheriff-Detentions Robert Toohey Jr., Internal Affairs Case # 2014-167.1

RECOMMENDATION

I have reviewed the investigative report prepared by Sergeant Kimberley Baker and agree with her findings and conclusions. Based on the nature of the conduct and after weighing the factors in aggravation and mitigation, I recommend Deputy Toohey be terminated.

RATIONALE

I found Sergeant Baker's investigation to be thorough, fair, and unbiased. There was evidence, along with Deputy Toohey's admission that he committed several violations that are not conducive to the expected behavior and judgment of a Deputy Sheriff. In addition, Deputy Toohey maintains that he made a single "mistake" but in actuality, as discovered during this investigation, he violated numerous rules of conduct to include criminal misconduct. The Departmental Rules of Conduct with regard to these allegations are clear and understandable. The facts in this case are not in dispute.

On January 27, 2015, I met with Deputy Toohey in the Detentions Training Unit conference room at the Las Colinas Detention and Reentry Facility. Also in attendance was Deputy Toohey's representative, Attorney Amy R. Gordon. The purpose of the meeting was to allow Deputy Toohey the opportunity to review the investigative reports and offer any information not covered in the investigation that could impact the findings in the case. Additionally, I allowed Deputy Toohey the opportunity to offer any mitigating information that might impact the recommendation for discipline.

Prior to going on record, Deputy Toohey reviewed the full investigative report with his attorney. After reviewing the report, I audio tape recorded our conversation. Deputy Toohey stated that he had no questions and said he read the Internal Affairs investigative reports related to the case. When I asked Deputy Toohey if there was anything not covered in the investigation that he felt was relevant and could have an impact on the findings or recommendation for discipline, Toohey stated "Just my actions were just to try to help, I made a mistake, but I tried to help."

When asked if there was anything he would like to offer on his behalf for mitigation, Deputy Toohey stated that his tenure on the Sheriff's Department should be taken into consideration and that he believes he still is a "valuable employee."

Deputy Toohey has been employed by the San Diego County Sheriff's Department as a Detentions-Deputy since 1993. Deputy Toohey [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

I considered several factors prior to arriving at my recommendation. In reviewing this investigation I found Deputy Toohey to be less than truthful or deceitful in answering some of the investigators questions. During this investigation it was discovered that Deputy Toohey exhibited a pattern of criminal and immoral behavior that not only placed him and others at risk as individuals but also placed the Sheriff's Department at risk. Toohey has been found "sustained" in several Conformance to Law violations to include Penal Code Section 243.4(e)(1) misdemeanor sexual battery, [REDACTED]

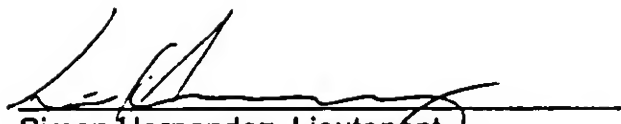
[REDACTED] In addition, Toohey self-admitted that he drove while intoxicated and should have been found sustained for California Vehicle Code 23152(a) Driving under the Influence.

Deputy Toohey also violated the trust and integrity of the Sheriff's Department by sharing privileged information to non-law enforcement individuals. As a Detentions-Deputy Sheriff, Deputy Toohey has access to various law enforcement sensitive material and data bases. The Sheriff's Department has an obligation to the public to ensure its employees treat official business of the Department as confidential.

In addition, Deputy Toohey's pattern of behavior, which would not have been detected, if a complaint was not filed by the accuser, is in direct violation of our Guiding Principles, Mission, Vision, Values, and Goals, which if made public, could stain the reputation of the Sheriff's Department. Deputy Toohey's blatant disregard for the rules of conduct and conformance to law is troubling. He should have reasonably known that this pattern of behavior, possessing and providing marijuana to a minor, driving under the influence, misdemeanor sexual battery, sharing confidential information to non-law enforcement individuals, is not expected nor tolerated behavior of a San Diego County Sheriff's

Deputy. Based on the totality of this investigation and the seriousness of these violations major discipline is warranted.

Trust and Integrity are this Department's two main Core Values and goes to the very heart of what the public expects of a Deputy Sheriff. With heightened demands on prosecutors to disclose adverse information about prosecution witnesses and Deputy Toohey's pattern of behavior and non-conformance to law damages Deputy Toohey's credibility within the Courts, with the public and as a Law Enforcement Officer to such a degree; it leaves no other choice than to terminate his employment as a Deputy Sheriff - Detentions.



Simon Hernandez, Lieutenant
Las Colinas Detention and Reentry Facility

ENDORSEMENTS

Edna Milloy ☒ Approve ☐ Disapprove
Edna Milloy, Captain
Las Colinas Detention and Reentry Facility
Date: 2/3/15

Comments: _____

_____ ☐ Approve ☐ Disapprove
John Ingrassia, Commander
Detention Operations Area 2
Date: _____

Comments: _____

_____ ☐ Approve ☐ Disapprove
Rich Miller, Assistant Sheriff
Detention Services Bureau
Date: _____

Comments: _____

ENDORSEMENTS (cont.)

_____ ☐ Approve ☐ Disapprove
Ed Prendergast, Undersheriff
Date: _____

Comments: _____

_____ ☐ Approve ☐ Disapprove
Bill Gore, Sheriff
Date: _____

Comments: _____

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

January 2, 2015

TO: Edna Milloy, Captain-Detentions
Las Colinas Detention & Reentry Facility (S287)

FROM: Christine Harvel, Lieutenant
Internal Affairs Unit (O41)

INTERNAL AFFAIRS CASE # 2014-167.1

Please review this investigation and check where appropriate. When all action is completed, please return directly to the Internal Affairs Unit. DO NOT FORWARD THROUGH THE CHAIN OF COMMAND. This will be done by the Internal Affairs Unit. If you have any questions, please call (858) 974-2065.

☐ I concur with the Internal Affairs conclusions. No further formal action is recommended.

☒ I concur with the Internal Affairs conclusions. Discipline recommendation attached.

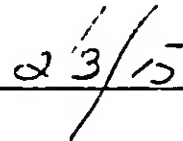
☐ I disagree with the Internal Affairs findings. See attached report.

☐ A procedural change is being written and an approved copy will be sent to Internal Affairs.

Signed


Edna Milloy, Captain-Detentions

Date



SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Internal Affairs Unit



INTERNAL AFFAIRS CASE 2014-167.1

ACCUSED EMPLOYEE: Robert Toohey Jr., Detentions/Court Svc
Deputy Sheriff

COMPLAINANT: SDSO

INVESTIGATOR: Kimberley Baker, Sergeant

CONFIDENTIAL



SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Internal Affairs Unit

CASE NUMBER: 2014 – 167.1

ACCUSED EMPLOYEE: Robert Toohey Jr., Detentions/Ct Svc Deputy Sheriff

COMPLAINANT: SDSD

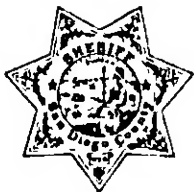
INVESTIGATOR: Kimberley Baker, Sergeant

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- A. Complaint Form and Attachments
- B. Synopsis, Analysis, Conclusions, and Findings by Sergeant Baker
- C. Witness list and Investigation by Sergeant Baker
- D. Sheriff's crime report, Follow-up report and DA Reject, case #14148298
- E. JIMS printouts from Search Warrant and correlating notes
- F. Copy of fraudulent Sheriff's identification card
- G. Written and typed itemized list of expenses from Search Warrant (Marijuana purchase \$30.00)
- H. Photos from Search Warrant
- I. Letters from Toohey to [REDACTED] from Search Warrant

CONFIDENTIAL

- J. Photos of injuries to [REDACTED] and Toohey
- K. Photos from Toohey's personal cell phone
- L. Photos of text messages from [REDACTED] cell phone of [REDACTED]
JIMS photo.
- M. Email – From Detective Shands to Sergeant Baker regarding the
Toxicology report for [REDACTED]
- N. CD-R – Containing audio recordings of interviews, Criminal investigation
by Detective Shands, Investigation, Synopses/Analysis/Conclusion by
Detective Baker.



San Diego County Sheriff's Department
Post Office Box 939062
San Diego, California 92193-9062



William D. Gore, Sheriff

COMPLAINT FORM

2014-167.1

PLEASE PRINT OR TYPE

COMPLAINANT'S NAME Department Originated		DATE OF BIRTH	HOME PHONE
COMPLAINANT'S ADDRESS		CITY	ZIP CODE
		BUSINESS PHONE	
LOCATION OF INCIDENT		CITY	DATE AND TIME OF INCIDENT September 20, 2014
NAME(S) OF SHERIFF'S PERSONNEL Deputy Robert Toohey Jr. # 5896			
BRIEF NARRATIVE OF COMPLAINT On September 21, 2014, a complaint was made by [REDACTED] [REDACTED] alleged she was sexually assaulted on September 20, 2014 by Deputy Robert Toohey Jr.			
			CONTINUED ON ADDITIONAL SHEETS <input type="checkbox"/>
1486 P.C. ADVISORY STATEMENT: YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATED TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE. I have read and understand the above statement.			
SIGNATURE OF COMPLAINANT:		DATE: 9/22/2014	

INTERNAL AFFAIRS USE ONLY

EMPLOYEE RECEIVING COMPLAINT: Internal Affairs

DATE & TIME:

RECEIVED IN I.A. BY:

- ☐ IN PERSON
☐ U.S. MAIL
☐ MESSENGER MAIL
☒ OTHER:

NATURE OF COMPLAINT: Conformance to Law

ASSIGN TO: IA - Sergeant Baker
(DSB - LCDF)

Received in
Sheriff's Internal Affairs

SEP 22 2014

LA CASE #

2014-167.1

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

September 22, 2014

IA# 2014-167.1

TO: John Ingrassia, Commander-Detentions

RE: **Deputy-Detentions/Ctsvc Robert Toohey #5896
Las Colinas Detention Facility (S287)**

The attached complaint has been assigned to Sergeant Kim Baker of the Internal Affairs Unit for investigation. You will be informed of the results upon completion of the investigation.

Should you wish to be briefed at any time, please feel free to call me at (858) 974-2065.

Thank you.



Christine Harvel, Lieutenant
Internal Affairs Unit

CH:mpa

THE SHERIFF'S CORPORATE DIRECTORY SEARCH RESULT

(Active Employees)

* Home Phone number and Confidential phone number are viewable just by you and Comm Center Supervisors

Enter Partial Names:

Last: First: [Advanced Search](#)[Printer Friendly](#)

GENERAL INFORMATION (To update this information, click on the employee name)

Name: Toohey Jr, Robert L
Title: DEP SHERIFF - DETENTIONS/CTSVC
NT User ID: rtoohesh
PeopleSoft ID: 016339
ARJIS Number: SH5896
Desk Phone: (619) 258-3181
Cell Phone:
Pager No.:
Home Phone:
Confidential
Phone.
Other:
Radio Unit.
Sheriff's Email: Robert.Toohey@sdsheriff.org
Other Email:
Responsibility:



LOCATION INFORMATION

CURRENT WORK LOCATION

Dept. Name: Las Colinas Det Facility
Mail Stop: S287 [Show Driving](#)
[Directions](#)
Location: Las Colinas Detention & Reentry
Facility
Address: 451 Riverview Parkway
: Santee CA 92071-3093
Telephone: (619) 258-3181
Fax: (619) -

HR (PeopleSoft) ASSIGNED LOCATION

Dept Name: Sdc Women's Det Reentry Facili
Mail Drop: S287
Location: LCDRF - Visit/Admin
Address: 451 Riverview Pkwy
: Santee CA 920715829
Telephone: 619/258-3176

[Sheriff's Home Corporate Directory](#)

The information contained within these pages is intended for employees of the San Diego's Sheriff staff only

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2014-167.1

DATE: December 31, 2014

COMPLAINANT: S.D.S.O.

INVESTIGATOR: Sergeant K. Baker

SYNOPSIS, ANALYSIS, CONCLUSIONS, AND FINDINGS

SYNOPSIS

On 09/20/14, after consuming seven alcoholic beverages between 6:30 PM and 10:00 PM, Detentions/CtSvc Deputy Robert Toohey Jr, drove from his residence in Descanso to the Santee Sport Bar in Santee, because he was worried that his former girlfriend [REDACTED] was going to drive while intoxicated. At the bar, Toohey and [REDACTED] both consumed more alcohol and then left together. [REDACTED] "blacked out" from consuming alcohol and drugs, and did not remember anything that happened after meeting Toohey at the bar. She woke up the next day, bruised, sore and with an extremely swollen black eye. [REDACTED] feared Toohey had raped her and went to the hospital. The Sheriff's Department was contacted and conducted an investigation with Toohey as the suspect. The District Attorney's office declined to file on the case.

During the criminal investigation, a search warrant was obtained for Toohey's residence, vehicle and his cell phone. The following items were found: JIMS printouts, A fraudulent Sheriff's identification card, handcuffs from Descanso Detention Facility, An itemized list showing Toohey purchased marijuana for \$30.00, photos that were taken at Las Colinas Detention Facility of an inmate wearing underwear, feces and bloody clothing in a cell, and of deputies in the hallway.

Also obtained during the investigation was a text message on [REDACTED] cell phone which contained a JIMS photo of [REDACTED] a mutual friend of both [REDACTED] and Toohey.

ANALYSIS AND CONCLUSIONS

It is alleged Detentions/CtSvc Deputy Robert Toohey Jr. sexually assaulted his ex-girlfriend, [REDACTED]

There is no dispute that Deputy Robert Toohey Jr. and [REDACTED] have known each other for over five years, and recently were in an intimate dating relationship for three months which ended in August 2014.

There is no dispute that [REDACTED] sent a text message to Toohey on September 20, 2014 telling him she driven while intoxicated. [REDACTED] admitted to texting Toohey, "just to piss him off." [REDACTED] knew that Toohey was obsessed with her and referred to him jokingly as her "Stalker." After receiving the text, Toohey drove over 30 miles from his house in Descanso to the Santee Sport Bar in Santee, even though he had consumed numerous alcoholic beverages prior to driving.

At some point after Toohey arrived at the bar, [REDACTED] appeared extremely intoxicated. [REDACTED] could barely walk and fell outside the doorway as Toohey was trying to escort her to his car. As she fell, Toohey fell on top of her and her head hit the pavement. Two patrons at the bar, and the bartender [REDACTED] assisted in getting [REDACTED] to Toohey's vehicle.

There is not a clear picture or timeline of where Toohey drove to after leaving the bar. Toohey said they went to get Mexican food and then to his house in Descanso. A witness, [REDACTED] who lives at [REDACTED] residential complex, said he contacted Toohey at the complex trying to get [REDACTED], who was unconscious, out of his vehicle. [REDACTED] said he told Toohey he should call 911, but Toohey refused. He told [REDACTED] he was a deputy and he knew best, that she just needed to sleep it off. [REDACTED] said Toohey left because he could not get [REDACTED] out of the vehicle. [REDACTED] also said that [REDACTED] was wearing pants when he encountered them outside her apartment. Toohey said [REDACTED] took her pants off while in his vehicle. Toohey has no memory of going to [REDACTED] apartment, speaking with [REDACTED] and then driving away. At some point, Toohey drove to his residence in Descanso. Both Toohey and [REDACTED] fell trying to walk up the driveway to Toohey's house in Descanso. Toohey said they got back in his car and then drove to [REDACTED] residence in Santee. Toohey said [REDACTED] fell again outside her apartment. The multiple falls, explains the abrasions, bruising and soreness she incurred.

Toohey said [REDACTED] took her pants off in his vehicle while driving to Descanso and that is why she ended up in bed with no pants on. He said he took her out of the vehicle at his house wearing no pants, and then again at her residence. Toohey said he did not make any attempt to put [REDACTED] pants back on, or cover her up before exiting his vehicle. Toohey said he just wanted to get her in the house so she could "sleep it off." Toohey said he did feel it was acceptable for him to get into bed with [REDACTED] who was naked from the waist down because they had slept together for three months while they were in a dating relationship, and because she pulled him into bed with her. Toohey also said that while he lay with her in bed, he cupped her breast, but they did not have sexual intercourse. Toohey had no answer when asked if [REDACTED] had been sober, did he think she would have been ok with him getting into bed with her when she was half naked. Since the break-up, [REDACTED] changed the locks on her door, because she thought Toohey was coming in her residence when she was not there, or when she was sleeping.

Toohey said he did not have sexual intercourse with her that evening, and during their relationship, he always refused to have sex with her if she was extremely drunk. He said while

lying in bed with her, he did cup her bare breast with his hand before falling asleep. At 0600 hours, he woke up and left [REDACTED] apartment. [REDACTED] does not remember anything that happened after Toohey showed up at the bar. There was no physical evidence obtained to show that Toohey did have sexual intercourse with [REDACTED]

A toxicology report showed that [REDACTED] had various drugs in her system including amphetamines. One of the drug components found in her urine is also a component of rohypnol. However, [REDACTED] takes numerous prescription medications and it would take more in-depth analysis to determine what specific drugs she consumed.

The District Attorney's Office chose not to file a case for 261(a)(3) PC – Rape. Both Toohey and [REDACTED] were intoxicated and there was no evidence that Toohey had, or attempted to have sexual intercourse with [REDACTED]

The following Department policies would be applicable to the allegation above:

2.4 UNBECOMING CONDUCT

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Department. Unbecoming conduct shall include that which tends to bring this Department into disrepute or reflects discredit upon the employee as a member of this Department, or that which tends to impair the operation and efficiency of this Department or employee.

2.5 IMMORAL CONDUCT

Employee shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standard of the law enforcement profession. Employees shall not participate in any incident involving moral turpitude which tends to impair their ability to perform their duties or causes this Department to be brought into disrepute.

Employee shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standard of the law enforcement profession. Employees shall not participate in any incident involving moral turpitude which tends to impair their ability to perform their duties or causes this Department to be brought into disrepute.

2.6 CONFORMANCE TO LAW (in part)

Employees shall obey all laws of the United States, of this state, and of local jurisdictions.

The acts of employees giving rise to an indictment, information or complaint, filed against an employee, or a conviction for violating any law, including a conviction

following a plea of nolo contendere, may be cause for disciplinary action, temporary or permanent reassignment (excluding minor traffic).

As it relates to California Penal Code Section §261 (a)(3)

(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

As it relates to California Penal Code Section §243.4 (e)(1)

(c) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment.

The burden of proof for an administrative case is "preponderance of the evidence" which is defined as "such evidence, when weighed with that opposed to it, has more convincing force and the greater probability of truth." In weighing the facts of this case, a violation of California Penal Code Section §261 (a)(3) includes two elements. The first element is the act of sexual intercourse, "*Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator.*"

Deputy Robert Toohey Jr. never was the spouse of [REDACTED] and there was no evidence to show that sexual intercourse took place.

The second element section (3) has to show that the person is prevented from resisting and the accused should have known, "*Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.*"

According to all witnesses and the video from the bar, [REDACTED] was intoxicated to the point of being "blacked out" and Toohey knew it. Toohey made the decision to put [REDACTED] into his vehicle and drive away when he himself had been drinking and she could barely stand. Although there is no evidence to show that sexual intercourse occurred, Toohey made the decision to get into bed with [REDACTED], who was naked from the waist down, and cup her bare breast with his hand. Toohey states that she pulled him into bed with her, but due to her state of intoxication she was not in any condition to make a decision on the intimacy she desired to have, or not to have with Toohey. They were no longer in a dating relationship and [REDACTED] had changed the locks on her door. When [REDACTED] woke up, she could not recall

what happened, but she believed Toohey had raped her and became a cooperating victim in the investigation. Toohey's admitted intoxication clearly affected his decision making during this incident. However, with all Toohey does not recall, he clearly remembered getting into bed with her when she was half naked and cupping her bare breast.

Toohey never made an attempt to call her sons, a friend, or paramedics to assist him. According to Toohey, he took [REDACTED] out of his vehicle two times, naked from the waist down without even attempting to cover her up. Had Toohey been observed dragging a half-naked female through a residential complex, his ability to perform his duties as a deputy sheriff would have been put into question and reflected very poorly upon the Sheriff's Department. Although the District Attorney's Office declined to file a case against Toohey, the series of poor decisions made by him that evening, is what led to him being investigated for 261(a)(3) PC – Rape.

It is alleged Detentions/CtSvc Deputy Robert Toohey Jr. drove his vehicle, both by himself and with [REDACTED] in the vehicle, while intoxicated.

There is no dispute that Deputy Robert Toohey Jr. admitted to drinking three beers and four shots of Fireball whiskey between 1830 hours and 2200 hours on September 20, 2014, and then drove his vehicle 30 miles from his residence in Descanso to the Santee Sports Bar in Santee.

Toohey drove to the bar because [REDACTED] had sent him a text saying she was going to drive drunk. He went to the bar to stop her from driving. Once at the bar, he ordered two beers. According to the bartender he also ordered whiskey, but Toohey said he does not remember ordering or drinking whiskey, but he may have. [REDACTED] also said she drank whiskey with Toohey at the bar before she "Blacked out." The bar bill that Toohey paid the next day was for a Bloody Mary that [REDACTED] ordered before he got there, the two Blue Moon Beers that he ordered, two single shots of Fireball Whiskey and two double shots of Fireball Whiskey. It is unclear who drank what amount of whiskey at the bar.

Regardless of whether Toohey remembers if he drank any whiskey at the bar, he told Detective Shands that he was "probably drunk" when he drove. He said he felt it was better that he drive than [REDACTED] driving drunk. When asked if he thought there were options other than him driving from Descanso to Santee after consuming 7 alcoholic beverages, he said he did not consider other options at the time.

[REDACTED] "blacked out" and could not recall the events after Toohey arrived at the bar. Toohey was unable to escort her to his vehicle by himself. She was so intoxicated she could not walk and it appears in the video that he was too intoxicated to safely get her to his vehicle. He and [REDACTED] fell to the ground as they exited the door to the bar.

Two patrons at the bar, and the bartender [REDACTED], had to assist Toohey in getting [REDACTED] into his vehicle. Instead of driving her home, he stated that he went and bought Mexican food at a drive thru restaurant. Toohey said he then drove the 30 miles back to his house in Descanso with [REDACTED], because she did not want to go home. Toohey said while driving to Descanso, [REDACTED] took her pants off. Toohey said he thought she was going to urinate in

the back seat of his vehicle because she had done that before. However, he did not ask her if she needed to stop and use the bathroom. He also did not think to seat belt her in before driving. Once at his residence, he did not think to put her pants back on her before taking her out of his vehicle. According to Toohey, he got her out of the vehicle but could not carry her up to his house. They fell again. He put [REDACTED] back in his vehicle and drove the 30 miles or so back to her residence in Santee. Toohey said he took her out of his vehicle with no pants on, and propped her up by the door while he went to get her key out of her purse. Toohey said she fell, and he thought she may have hit her eye on the door knob.

A witness, [REDACTED] who lives in the same complex as [REDACTED], said he contacted Toohey and [REDACTED] in the complex during the early morning hours of September 21, 2014. [REDACTED] heard yelling and went outside to see what was going on. He said Toohey could not get [REDACTED] out of the vehicle because she was unconscious. [REDACTED] was concerned and checked [REDACTED] for a pulse and told Toohey he should call 911 because she may have alcohol poisoning. Toohey told [REDACTED] that he was a deputy and he knew best, she just needed to sleep it off. [REDACTED] said that after many attempts of trying to get her out of the vehicle, Toohey gave up and told [REDACTED] he was going to take [REDACTED] to his house. He tried to close the back door to his vehicle and accidentally closed the door on [REDACTED] leg. He then put her leg back in the car, closed the door, got in and drove away. The witness also said that [REDACTED] had her pants on. Toohey has no memory of talking to anyone at [REDACTED] complex. Toohey said he did not go to [REDACTED] apartment, leave and return later.

Toohey said [REDACTED] did not have her boots on when they put her in his vehicle at the bar, and that he later found them outside her apartment door. He did not know how they got there. The bartender [REDACTED] said [REDACTED] did have her boots on when they put her in Toohey's vehicle at the bar. If Toohey had gone to her residence, left and then returned later, this could explain how the boots got left near the front door. However Toohey has no memory of talking to [REDACTED] or anyone at the apartment, and no explanation for how the boots were left near the door.

The evening of this incident, Toohey drove over 90 miles after consuming numerous alcoholic beverages. He admitted that he drove drunk, because he did not want [REDACTED] to drive drunk.

The following Department policies would be applicable to the allegation above:

2.4 UNBECOMING CONDUCT

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Department. Unbecoming conduct shall include that which tends to bring this Department into disrepute or reflects discredit upon the employee as a member of this Department, or that which tends to impair the operation and efficiency of this Department or employee.

Employees, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in unlawful impairment (such as driving under the influence or being unable to care for their own safety or the safety of others), public intoxication, or obnoxious or offensive behavior in public which would tend to discredit them or this Department, or render the employee unfit to report for their next regular tour of duty. (Reviewed 12-19-2010)

In weighing the facts of this case, there were numerous discrepancies and things Deputy Robert Toohey Jr. could not recall from that evening. He admittedly drank numerous alcoholic beverages and drove knowingly under the influence of alcohol. Toohey said he thought it was better for him to drive rather than [REDACTED], yet he failed to put a seatbelt on her. He did have other options. He could have called a friend, he could have called a taxi, or he could have called one of [REDACTED] sons. According to the bartender [REDACTED] [REDACTED] was extremely intoxicated. Toohey did not recognize that [REDACTED] may have been in need of medical attention. Toohey was in no condition to help [REDACTED] because he was intoxicated. In the process of trying to help her, they both fell numerous times. [REDACTED] got abrasions, bruised, a black eye and was in a lot of pain. Toohey suffered abrasions and cuts as well. He put himself, [REDACTED] and the public in danger by driving while intoxicated. He failed to make good decisions and was unable to care for his own safety or the safety of [REDACTED]. Toohey displayed behavior which is unacceptable for a representative of the Sheriff's Department.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]



FINDINGS

This complaint against Detentions/CtSvc Deputy Robert Toohey Jr., that he sexually assaulted his ex-girlfriend, [REDACTED], as it relates to Sheriff's Policy and Procedures, Sections:

- 2.4 Unbecoming Conduct
- 2.5 Immoral Conduct

Is SUSTAINED

- 2.6 Conformance to Law, as it relates to 261(a)(3) PC

Is Not SUSTAINED

- 2.6 Conformance to Law, as it relates to 243.4(c)(1) PC

Is SUSTAINED

This complaint against Detentions/CtSvc Deputy Robert Toohey Jr. that he drove his vehicle, both by himself and with [REDACTED] in the vehicle, while intoxicated, as it relates to Sheriff's Policy and Procedures, Sections:

- 2.4 Unbecoming Conduct
- 2.14 Use of Alcohol/Off Duty

Is SUSTAINED

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Submitted by: Kimberley Baker 12/31/14
Kimberley Baker, Sergeant Date

Approved by: Christine Harvel 12/31/2014
Christine Harvel, Lieutenant Date

CH:kgb

WITNESS LIST

INTERNAL AFFAIRS CASE #2014-167.1

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Hilary Gastrich Deputy Sheriff Arjis #5015	8811 Cyamaca St Santee, CA 92071	[REDACTED]
Laura Shands, Detective Deputy Sheriff Arjis #1062	9621 Ridghaven Crt San Diego, CA 92123	(858) 974-2317
Robert Roberson III, Det Deputy Sheriff Arjis #4750	9621 Ridgehaven Crt San Diego, CA 92123	(858) 974-2354
Ashley Marcoux DET/CTSVC Dep Sheriff Arjis #3153	451 Riverview Pkwy Santee, CA 92071	[REDACTED]
Robby Storton, Lieutenant DET/CTSVC Arjis #4096	446 Alta Rd #5200 San Diego, CA 92158	[REDACTED]
Brian Coyne, LT Retired DET/CTSVC Arjis #5067	[REDACTED] [REDACTED]	[REDACTED]
Michael McNally Assistant Sheriff Retired Arjis #1374	[REDACTED] [REDACTED]	[REDACTED]
[REDACTED] (Victim) Interviewed by Det Shands	[REDACTED] [REDACTED]	[REDACTED]
[REDACTED] (Witness) Interviewed by Det. Shands	[REDACTED] [REDACTED]	[REDACTED]
[REDACTED] (Witness) Interviewed by Det. Shands	[REDACTED] [REDACTED]	[REDACTED]

WITNESS LIST
(continued)

INTERNAL AFFAIRS CASE #2014-167.1

[REDACTED]
(Witness)

[REDACTED]
[REDACTED]

[REDACTED]

Interviewed by Det Shands

[REDACTED]
(Witness - [REDACTED])

[REDACTED]
[REDACTED], [REDACTED]

[REDACTED]

Interviewed by Det Shands

[REDACTED]
(Witness - [REDACTED])

[REDACTED]
[REDACTED]

[REDACTED]

Interviewed by Det Shands

[REDACTED]
Witness

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
Witness

[REDACTED]
[REDACTED]

[REDACTED]

Interviewed by Det Roberson

[REDACTED]
Witness

[REDACTED]
[REDACTED]

[REDACTED]

Interviewed by Det Shands

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2014-167.1

DATE: December 31, 2014

COMPLAINANT: SDSO

INVESTIGATOR: Sergeant K. Baker

INVESTIGATION

On September 26, 2014, Lieutenant Harvel assigned this complaint to me for investigation. I reviewed the complaint form and accompanying documents as part of the investigation. The complaint was Department originated. All the interviews in this investigation were digitally recorded and will be maintained with the Internal Affairs file. The following are "in essence" synopses of the interviews. For exact and complete details of the interviews, refer to the digital recordings. (See Attachment N.)

The complaint was Department originated and alleges on September 20-21, 2014, off-duty Sheriff's Detentions Court Services Deputy Sheriff Robert Toohey Jr., allegedly sexually assaulted his former girlfriend [REDACTED]

The initial crime report SDSO Case #14148298, was taken by Deputy Hilary Gastrich. The following is the "Synopsis" from that report: (See Attachment D.)

I contacted [REDACTED] at Kaiser Hospital in reference to a possible rape she believes was committed sometime between 9/20/14 at 1800 hours and 9/21/14 at 1300 hours in Santee. [REDACTED] alleges the suspect is her ex-boyfriend, Robert Toohey. [REDACTED] remembers being at the Santee Sports Bar with Robert on the evening of 09/20/14 and does not have any other memory until 9/21/14 at about 1300 hours. [REDACTED] stated she and Robert were drinking, she "blacked out," and Robert took her home. [REDACTED] awoke the next day with bruises on both her knees and her left elbow, and a black right eye. [REDACTED] also complained of soreness in her inner thighs. [REDACTED] stated when she woke up in her bed she had no pants on. The pants and boots she had on the previous night were located in the living room. For the above mentioned reasons, [REDACTED] alleges Robert raped her and caused the bruising to her right eye. [REDACTED] also alleges Robert is "stalking" her and sending her several text messages.

San Diego Sheriff's Sexual Assault Detective Laura Shands was notified and conducted the follow-up investigation regarding this incident, Sheriff's Case #14148298. (See Attachment D.) For complete details of the interviews done by Detective Shands, refer to the audio

recordings. (See Attachment N.) The following is Detective Shands synopsis of the investigation:

SYNOPSIS:

On Saturday night, 09-20-14, [REDACTED] text her ex-boyfriend, Robert Toohey, that she was at the Santee Sports Bar and wanted someone to buy her a drink. Toohey went to the bar and found [REDACTED] there, who had already starting drinking. In approximately one hour, [REDACTED] consumed two Bloody Mary drinks and one shot of whiskey. Toohey drank two beers and two shots of whiskey. Shortly thereafter, [REDACTED] became extremely intoxicated and had to be carried out of the bar by Toohey and two other customers, during which time Toohey fell down and landed on top of [REDACTED]. [REDACTED] suffered a black eye and several abrasions on her arms and legs. [REDACTED] later awoke in her bed the next day, naked from the waist down and did not remember anything past being at the bar. She complained of severe pain and soreness in and around her vagina as if she had had sex. Toohey on the other hand, stated he took her home in his car stopping to get food and a stop at his house which he couldn't get her out of his car. Toohey said [REDACTED] fell down several times during the attempts he tried to get her home. Toohey claims [REDACTED] removed her own pants while in the back seat of his car. At [REDACTED] home, Toohey carried her to her bed and they fell asleep. Toohey denies attempting to or having sex with [REDACTED]. A witness later stated [REDACTED] had her pants on during the time Toohey was trying to get her into her house, and after that failed, Toohey drove away with her.

[REDACTED] submitted to a SART exam which later revealed no male DNA nor was there any male DNA found on her clothing or bed sheets. During the SART exam, the RN located a visible injury, (abrasion), on the outside of [REDACTED] vagina that she described as "Blunt force trauma." During the investigation of this case, I was unable to determine if [REDACTED] had been sexually assaulted by Toohey. Nor did I find any evidence that Toohey committed a sexual assault against her.

This case is being submitted to the District Attorney's Office, El Cajon Branch, for review. The incident occurred in the City of Santee, in the County of San Diego, State of California.

On November 11, 2014, Detective Shands received a Complaint Request Evaluation from Deputy District Attorney Kerry Conway who rejected the case for prosecution. Conway stated: (See attachment D.)

Due to the lack of physical evidence, lack of recall by the V, and suspect's outright denial that any sex occurred, it cannot be proven that a sex crime was committed.

On 09/22/14, Detective Shands and Detective Roberson interviewed Toohey and obtained a recorded statement. The following is a synopsis of the interview: (See Attachment D for the written report and Attachment N for the recorded interview.)

Toohey stated he has known [REDACTED] for about five years. In May 2014 they went to San Felipe together for vacation and started dating. The relationship ended in August 2014, but they remained friends.

On September 20, around 9:00 PM, Toohey received a text message from [REDACTED] stating she was going to the bar and hopes someone will buy her a drink. She later sent another text stating she was going to drive drunk because "she didn't give a fuck." Toohey did not want her to drive drunk so he immediately drove from his residence in Descanso to the Santee Sport Bar in Santee.

Toohey told Shands that prior to driving to Santee, he had been at a barbecue at a friends house and consumed three beers and four shots of Fireball whiskey between 06:30 PM and 10:00PM. Toohey also admitted to Detective Shands that he probably drove drunk. Once at the bar, Toohey ordered two more beers. Toohey said he does not remember drinking any whiskey while at the bar but they normally do.

At the bar, Toohey sat with [REDACTED] for a while. He said she appeared intoxicated from the time he arrived at the bar. She then was sitting with two male patrons. Toohey said she had already fallen twice and he wanted to get her out of the bar. Toohey said [REDACTED] the bartender agreed she should leave. At first one of the male patrons was not allowing Toohey to escort [REDACTED] out of the bar. Finally, Toohey tried to escort her out but they fell. The two male patrons helped put [REDACTED] into Toohey's vehicle.

Toohey said when they put [REDACTED] in his car, she was not wearing her boots. However he said it was weird, because later on when he arrived at her residence, the boots were sitting about ten feet from her door.

Toohey said they went to Santana's for Mexican food and then drove to his house in Descanso because [REDACTED] did not want to go home. He said after they left Santana's, [REDACTED] took her pants off in the back seat of his vehicle. Toohey said he thought she was going to urinate because she had done it before.

Toohey said at his residence, they attempted to walk up the driveway but fell again. He put [REDACTED] back into his vehicle and drove to her residence in Santee. Toohey got [REDACTED] out of the vehicle and propped her up against the wall by her door. He went back to the vehicle to get her key out of her purse and she fell again. Toohey thought she may have hit her eye on the

door knob when she fell. However he did not know about her eye injury until later that day when he received a text message with her photo from her son, [REDACTED]

Toohey laid [REDACTED] down in her bed. She was still naked from the waist down because she had taken her pants off in the vehicle. Toohey said she pulled him into bed with her and Toohey told her "No" meaning they were not going to have sex. Toohey said he laid down next to her, cupped her breast with his hand and they went to sleep until 0:600 AM. Toohey said he told [REDACTED] he was going home and she told him she would see him later. Toohey was adamant that they did not have sex.

Toohey is aware that [REDACTED] has many health issues. He also said she takes at least ten different types of medication. Toohey was asked if he was concerned that [REDACTED] was having health issues that were causing her to fall over. Toohey said in the past, it's always been alcohol.

Toohey said he had been in contact with [REDACTED] all day explaining to her that they did not have sex. Toohey also showed Detective Shands text messages he had on his phone from [REDACTED] son, [REDACTED]

Detective Shands reviewed the video at the Santee Sport Bar. (See attachment D for the written report, see Attachment N for the video.) The video showed the arrival of [REDACTED] and then later Toohey. Toohey ordered a drink and they sat together. [REDACTED] went over and sat with two male patrons and appeared to be slumped over the bar. Toohey was pulling her by her arm trying to get her up but she was not moving. One of the male patrons tried to stop him. They got into a little tussle and then Toohey again tried to escort [REDACTED] out of the bar. They made it out the door and fell over. Toohey fell on top of [REDACTED]. The video shows the two male patrons carrying [REDACTED] to Toohey's vehicle. In the video you can see that [REDACTED] has her pants on and her boots on.

Detective Shands interviewed [REDACTED], the bartender at the Santee Sport Bar. The following is a synopsis of her interview. (See attachment D for the written report, see Attachment N for the recorded interview.)

[REDACTED] knows both Toohey and [REDACTED]. They both frequent the bar a few times a week. [REDACTED] said [REDACTED] did not appear to be intoxicated when she first arrived and ordered a Bloody Mary. Toohey arrived and ordered two blue Moon beers. After drinking both beers he ordered two Fireball whiskey shots and gave one to [REDACTED]. About 45 minutes after Toohey arrived, [REDACTED] appeared to be extremely drunk. She said her behavior was strange and unusual even for her. [REDACTED] had gone over to sit with two male patrons and became dead weight, slumped over the bar. Toohey

eventually got her moving towards the door. After exiting the door, they fell. Toohey fell on top of [REDACTED]. The two male patrons helped pick her up off the ground. [REDACTED] noticed that [REDACTED] eye was injured. They carried [REDACTED] to the vehicle and placed her in the back seat. [REDACTED] said [REDACTED] had her pants completely on, and she was wearing her boots. [REDACTED] found Toohey's glasses on the ground after he left. She did not think that Toohey appeared intoxicated when he left. A short time later, Toohey called [REDACTED] inquiring about his glasses. He came in the next afternoon to pick them up and pay the bar tab from the night before.

Detective Shands interviewed the victim [REDACTED]. The following is a synopsis of the interview: (See attachment D for the written report, see Attachment N for the recorded interview.)

[REDACTED] said she has known Toohey for about seven years and dated him for about three months after they took a vacation in San Felipe together. Toohey was sleeping regularly at her residence during the time they were dating. Toohey was helping her deal with medical issues. Toohey was very jealous and accused her of being interested in other men. This caused tension and they broke up, but they remained friends.

[REDACTED] said Toohey consumes a lot of alcohol. He mainly drinks Fireball whiskey and carries it in water bottles when he is driving.

Toohey continually tried to rekindle their relationship. When he was at work, he would text message her all day. [REDACTED] believes he was sneaking into her house when she was asleep or not home, because she would find things he left. [REDACTED] had the locks changed at her home.

On the evening of the alleged incident, [REDACTED] went to the Santee Sport Bar because she likes their Bloody Mary's. While there, she sent a text message to Toohey that she had driven drunk, just to "piss him off." A short time later he arrived at the bar. [REDACTED] went over and sat with Toohey who was frantic. He told her, "Don't ever do that to me again!" Toohey looked like he had just rolled out of the bushes. She didn't know if he was drunk or had just woken up. They sat and talked and Toohey began to cry asking why they could not get back together. [REDACTED] said that was the last thing she could remember until her son [REDACTED] woke her up the next day.

[REDACTED] notified Detective Shands that her neighbor, [REDACTED] was a possible witness. Detective Shands contacted [REDACTED] and obtained a telephone interview. The following is a synopsis of the interview: (See attachment D for the written report, see Attachment N for the recorded interview.)

██████ lives in the same condo complex as ██████, but he had not met her until several days after this incident. Recently they struck up a conversation in the alley while ██████ was walking her dog, and they realized he had come into contact with ██████ and Toohey during the early morning hours of 09-21-14. At about 0200 hours, ██████ heard a man yelling in the alley. ██████ went outside and found Toohey standing in the open doorway of a silver vehicle. He was yelling at ██████ who was lying on the back seat. Toohey was trying to get ██████ out of the car but she was not responding. ██████ immediately asked Toohey what was wrong. Toohey told ██████ that he needed to get ██████ into the house but she was drunk and not getting up. ██████ said he has had some prior EMT training and he thought that ██████ was not breathing. ██████ reached into the car and checked ██████ for a pulse and to see if she was breathing. ██████ reeked of alcohol but did have a pulse and was breathing. Due to ██████ lack of response, ██████ feared that she had alcohol poisoning and told Toohey that he needed to call 911. Toohey told ██████ that he was a deputy Sheriff and he knew best, that she just needed to sleep it off.

██████ eventually gave in to Toohey and tried to help him get ██████ out of the back seat. After many failed attempts, Toohey finally gave up and said he would take her to his house. Toohey then tried to slam the back seat door shut but it struck one of ██████ legs. Toohey pushed her leg inside the car, got into the driver seat and drove away. I asked ██████ what if anything ██████ was wearing. He described a pink t-shirt, a pair of jeans and white socks. I asked ██████ if ██████ jeans were pulled up to her waist. He recalled that her jeans appeared slightly below her waist but not open or showing any of her groin area. ██████ did recall seeing a pair of women's boots near her front door. I asked ██████ if Toohey appeared intoxicated to him. ██████ said that Toohey was not slurring his words or staggering but did have a very strong odor of alcohol emitting from his person. At the time of this incident, ██████ had never met either Toohey or ██████.

Detective Shands obtained a search warrant for Toohey's residence in Descanso, his rental car and his cell phone. She provided me with a copy of the following items which were seized as a result of the search warrant at his residence:

1. JIMS printouts and hand written notes for ██████, SDSO Booking # ██████, ██████, SDSO Booking # ██████ and ██████, Booking # ██████ (See Attachment E.)
2. A fraudulent Sheriff's Identification Card with Sergeant Robby Storton's name and Toohey's picture and information on the back. (See Attachment F.)

3. List of items purchased by Toohey for [REDACTED] over the past few months, both handwritten and typed. (to include \$30 to buy marijuana for her son) (See Attachment G.)
4. Photos from the Search Warrant of Toohey's residence to include a photo of waste chains and handcuffs found at his residence. (See Attachment H.)
5. Letters from Toohey to [REDACTED] (See Attachment I.)

Detective Shands provided me with photos she obtained of [REDACTED] injuries and Toohey's injuries. (See attachment J.)

Detective Shands provided me a copy of the following items found on Toohey's personal cellular phone as a result of a search warrant: (See Attachment K.)

1. Photos of jail deputies at Las Colinas taken from the surveillance camera.
2. Photo of an inmate in her underwear in a cell at Las Colinas.
3. Photo of feces and bloody clothing from a cell at Las Colinas.
4. Photo of an Occupational Injury Report for Deputy Ashley Marcoux at Las Colinas.

Detective Shands provided me with a copy of a three-way text message between [REDACTED] Toohey and a mutual friend, [REDACTED], that she obtained from [REDACTED] cellular phone. Included in the text messages was a JIMS photo of [REDACTED] that Toohey had taken with his personal cell phone and sent to [REDACTED] [REDACTED] then forwarded the text with the photo to [REDACTED] (See Attachment L.)

On November 21, 2014, Deputy Shands emailed me the results of the toxicology report for [REDACTED] The following is the email she sent: (See attachment M.)

Kim,

Normally every SART includes taking both urine and blood. I thought that happened with [REDACTED] but apparently she gave urine but no blood. The nurse packs it up so I don't know what is in the bag submitted. So, they can't test for BAC with urine and they sent the urine out to contracting company to do the drug pane. So no BAC on this one, but...

Her tox panel came back with a significant level of methamphetamines and amphetamines. That was a bit of a shock for me. I will be asking her about that. Negative for GHB and Ketamine, but...

Positive for metabolites of Benzodiazepines, (nordiazepam, oxazepam and temazepam). She had a significant amount of temazepam metabolites in her system which is a compound of "Ristoril", an insomnia and anxiety medication. These metabolites are not from her valium, which she takes occasionally. Rohypnol, a date rape drug, is a Benzodiazepine. The three metabolites in [REDACTED] urine could have been produced from Rohypnol, but without more extensive testing we cannot be certain. This certainly explains her change of behavior, consciousness, and inability to remember.

I will be checking with her about all of her drug use to rule out the above.

*Detective Laura Shands
San Diego County Sheriff's Department
Central Investigations Division - Sexual Assault Unit
9621 Ridgehaven Court, San Diego, CA 92123
Desk: (858) 974-2317*

STATEMENT OF WITNESS – SHERIFF'S LIEUTENANT ROBBY STORTON

On November 21, 2014, at about 1126 hours, I conducted a recorded telephone interview Sheriff's Detention's Court Services Lieutenant Robby Storton. The interview was digitally recorded and Lieutenant Storton was aware of the recording. No one else was present for the interview. A synopsis of the interview is as follows. (See Attachment N for the recorded interview.)

Before going on record, I explained the nature of the interview to Storton and that he was a witness to this investigation. I asked Storton to review the following four Rules of Conduct applicable to Internal Affairs Investigations: Insubordination, Intervention, Departmental Reports and Truthfulness. Storton understood the rules and his obligation to adhere to them.

Storton has been employed with the San Diego County Sheriff's Department for about 20 years. He is currently the Lieutenant assigned to the East Mesa Re-Entry Facility.

Storton knows Toohey. He has worked both with Toohey as a deputy and as his sergeant. Toohey worked under Storton when he was a sergeant at the Descanso Detention facility and at the Las Colinas Detention Facility.

Storton said when he was a sergeant he never lost his Sheriff's Department identification card. He never loaned his identification card to Toohey, nor was there any reason why Toohey would have his identification card.

Storton has never seen the Sheriff's Identification Card that Toohey had in his possession which shows a picture of Toohey with the name "Robby Storton, Sergeant-Detentions" printed on it.

Storton said during the Las Colinas construction project he would loan his card to people to gain access, but he was a lieutenant, not a sergeant during this entire project. Storton turned his Sheriff Sergeant identification card and badge into personnel when he was promoted to lieutenant. Storton does not know of any reason why Toohey or anyone else would have a Sheriff's identification card with his name on it.

The interview was concluded with an order not to disclose at 1131 hours.

STATEMENT OF ACCUSED –SHERIFF'S DEPUTY ROBERT TOOHEY JR

On November 25, 2014, at about 1336 hours, I interviewed Detentions/Court Services Deputy Sheriff Robert Toohey Jr. at the Internal Affairs Conference Room located at 9621 Ridgehaven Court, San Diego, California. Also present during this interview was Amy Gordon, Deputy Toohey's employee representative and legal counsel, and Sergeant Arthur Ortiz from the Internal Affairs Unit. The following is a synopsis of the interview. (See Attachment N for the full recording.)

I read Deputy Toohey the Miranda Admonishment from my Department Issued Deputy's Notebook. Deputy Toohey answered "Yes" He understood his rights and "No" he was not willing to talk to me. I then read Toohey the Garrity Warning and ordered him to answer my questions fully and truthfully. Toohey said he understood the admonition, and as a result of the order, I obtained the following statement.

Prior to the start of the interview, Toohey was given the opportunity to read the four Rules of Conduct applicable to Internal Affairs Investigations, as it relates to: Insubordination, Intervention, Department Reports and Truthfulness. Toohey indicated he understood the policies, and would adhere to them. Toohey also acknowledged he was aware this interview was being recorded.

Prior to this interview, I afforded Toohey and Gordon the opportunity to review the recorded interview of Toohey, conducted by Sheriff's Detectives Laura Shands and Robert Roberson for the criminal investigation, as well as the Department generated complaint alleging Toohey sexually assaulted [REDACTED]

Toohey has been employed with the San Diego County Sheriff's Department for 21 years. He is currently assigned to the Las Colinas Detention Facility and has been there since 2009. Toohey started his career at Las Colinas, he then transferred to San Diego Central Jail. From there, he transferred to the Descanso Detention Facility until it was closed in 2009.

Toohey said he and [REDACTED] were in a relationship together. He has known [REDACTED] for seven years. Toohey met her through a mutual friend in Pine Valley. They became friends right away and it was just fun. In April 2014, Toohey and [REDACTED] went on vacation to San Felipe Mexico for a week and hit it off and their relationship changed from just friends to a dating relationship.

As of September 20, 2014, the night of the alleged incident of sexual assault, Toohey and [REDACTED] had already broken up. Toohey had removed all of his personal belongings from [REDACTED] residence. They were basically still friends, but not intimate because Toohey made promises to her and he said he keeps his promises. Toohey said he did not have a key to her apartment because she had changed the locks.

Toohey was asked if on the evening of September 20, 2014, he met [REDACTED] at the Santee Sport Bar. He said "I guess the answer is yes." He said the only reason he met her there was to prevent her from driving.

Prior to meeting [REDACTED] at the Santee Sport Bar, Toohey had gone to a barbeque with friends who live in the community of Guatay, from about 06:30 PM to 10:00 PM. He then returned home. Toohey said the drive from Guatay to his residence is about an 8 minute drive.

After Toohey got home, he checked his phone and saw that he had two text messages from [REDACTED]. The first text message said that she was going to the bar until someone buys her a drink. The second text message said, "I'm drunk I'm driving because I just don't give a fuck." Toohey said he decided to go to the Santee Sport Bar to stop [REDACTED] from driving. Toohey said he had not thought about if there were other options rather than him going to the sport bar to stop her from driving.

Toohey said when he first arrived, [REDACTED] was highly intoxicated. She was sitting between two other people. The bartender came over and told him that [REDACTED] was really drunk. [REDACTED] saw Toohey and came over to him and sat down. Toohey told her he was not going to let her drive. Somebody in the bar tried to stop him from taking her out of the bar, and told Toohey she could stay.

Toohey said when he first arrived at the bar he ordered a beer. He sat at the bar and she was sitting with other people. When she walked over to him she was staggering. Toohey said he did not remember ordering any Fireball whiskey for him or for her. The next day he paid the bar tab which was for two Bloody Mary's, two single shot fireball whiskeys, two double shot Fireball whiskeys and two blue moon beers. Although he did not remember drinking any Fireball, he believes he could have. Toohey said [REDACTED] was notorious for ordering drinks on his tab. Toohey remembers being sad because he had just spent \$1,600.00 two days earlier to get [REDACTED] vehicle out of impound and she had promised him she would not drive her car until she got her license back. Toohey said he and [REDACTED] had a conversation at the bar, but he does not recall what they discussed other than her driving

drunk. She knew he was sad but they did not talk about it. Toohey said he could not remember anything she said to him and he does not remember having shots with her.

Toohey said she seemed out of it from the time he got there, but suddenly she got worse. He said she has done this countless times before. "All the times we've been together, she would be like, one minute this and the next minute like off the cliff." Toohey was worried about her. Toohey said [REDACTED] went to a baby shower earlier in the day and drank alcohol, then she went home and drank more, and then to the bar. Toohey said he knows she takes prescription drugs but he does not know what medications she takes. She has tried different medications like Xanax, but he does not know if she still takes it. He knows she has been on pain medication but he does not know what type. Her medications have changed too many times for him to keep track of. Toohey said he has seen [REDACTED] act like this at her house before, when she had taken her medication with alcohol.

Toohey agreed that it took two people from the bar to carry [REDACTED] to his vehicle and place her inside. When they drove away from the bar, [REDACTED] was laying down on the back seat in his vehicle. [REDACTED] did not want to go home so he told her he would take her to his house after they got Mexican food from Santana's in El Cajon. Toohey went through the drive through. Even though she was extremely intoxicated, he thought it might help if she ate something. He does not know if she ate anything, possibly a rolled taco. He said she was now sitting slumped over in the back seat. [REDACTED] was not wearing a seatbelt and Toohey said he did not think to put one on her. He said he just wanted the night to be over.

Toohey said that as they were driving to his residence in Descanso, he had noticed that [REDACTED] pants were partially off. He thought she was going to urinate in his car because she had done it before. When they got to his house, he noticed she had taken her pants off completely. He did not think to tell her to put her pants back on and he did not ask her if he needed to stop somewhere so she could urinate. Again, he said he just wanted the night to be over.

She does not wear underwear, and was naked from the waist down. Toohey said when they got to his house he did not think about trying to cover her up, he just wanted to get her in the house so she could lay down and sleep it off. Toohey said while she was half naked in his vehicle, she did not act amorous towards him. He denied having any type of sexual contact with [REDACTED] while she was in his car.

Toohey was told there is a witness who said he talked with Toohey after he arrived at [REDACTED] residence. Toohey does not recall talking with anyone. He said it could have happened but he does not remember talking with anyone.

RT: Robert Toohey
KB: Kimberley Baker
AG: Amy Gordon
AO: Arthur Ortiz

KB: *Do you remember talking to anybody at her apartment?*

RT: *I don't remember it, but I can't say if it did or didn't happen at that point.*

KB: *He said that he talked to you for quite a while, he told you he was an EMT, he was concerned that she had alcohol poisoning.*

RT: *I don't recall that at all.*

KB: *He wanted to call an ambulance*

RT: *I do not recall that at all, I*

KB: *He said he told you that um, that you know she could have alcohol poisoning and that you told him that you were a deputy sheriff and you would take care of her.*

RT: *I have no recollection of talking to anybody regarding that conversation whatsoever.*

KB: *He said then you attempted to shut the back door, that you had been trying to pull her out and you couldn't get her out, so then you went to close the door and he said you closed the door on her leg. Then you opened it back up put her in the car closed it and then got in the car and drove away.*

RT: *No.*

KB: *So you have no memory of that?*

RT: *None of that whatsoever! None.*

KB: *At any time did you think that you should call for an ambulance?*

RT: *No because I have seen her in that situation before and it's not the first time.*

Toohey was not concerned that she could have had alcohol poisoning, based on past experiences with her. He wanted to get her some place safe. He was not with her that day and did not know if she had taken any drugs. He did not consider that she may have taken drugs and that she may have needed medical help. He said [REDACTED] has been going to the Santee Sport Bar for 25 years so he did not think anyone there would put drugs in her drink. Toohey denied putting any type of drug in her drink.

KB: Is there any chance that you didn't want to take her to the hospital because you were concerned they would test her and find drugs and that she would get in trouble?

RT: No. (pause) If they found drugs, if there were drugs in her system that's on her.

KB: Do you think anyone at the bar put drugs in her drink?

RT: She's been going to that bar for 25 years so I highly doubt it.

KB: Ok and you didn't put any drugs in her drink?

RT: I have never put any drugs in anybody's drink.

Toohey said round trip is about 60 miles from the bar in Santee to his house in Descanso. Toohey said [REDACTED] did not talk to him at all during the drive to his house. She talked to him when he got to his house and he was trying to get her out of his car. He said at his house when he got her out of the car they both fell on the steep cement driveway and she said "Ouch! Fuck!" They were both lying on the sidewalk and Toohey said, "This is not going to work I am going to take you home." Toohey said he picked her up escorted her back down and put her in the car and they drove to Santee.

Toohey agreed that at this point it was quite possible that [REDACTED] was suffering a "Blackout" from alcohol.

KB: Do you know what it means to be "Blacked out?"

RT: Yes.

KB: What does it mean?

RT: It means you lose faculties as far as what's going on in the surroundings around you.

After arriving at [REDACTED] residence, he parked in her parking spot which is by the back door to her apartment. He estimated it was about 5 feet to her door. He did not feel he needed to try and cover her half naked body before trying to get her in the house. Toohey did not first open the door because he said that normally she never locks her door. However when they got to the door it was locked. He told [REDACTED] he had to get her key out of her purse. She said "Ok" and he went to the car. As he walked away, she fell over. Toohey believed that she may have hit her eye on the door knob when she fell. He got the key, opened the door and put her on the couch. He then got her purse and pants out of the car. Toohey then put [REDACTED] in her bed and sat down next to her. Toohey said she pulled him towards her and tried to kiss him. He told her "No." [REDACTED] was still naked from the waist

down. Toohey lay next to her. He pulled a blanket over her, put his arm around her and cupped her breast. He said they both went to sleep.

KB: So you were laying with her, she is half naked and you also said in your interview that you cupped her breast and that...

RT: Yes ma'am.

KB: ok you were laying behind her

RT: and we both went to sleep.

KB: You also said that she wanted to have sex and you told her "No."

RT: Correct.

KB: Um, when you got into bed with her, were, did you have clothes on?

RT: I never took my clothes off.

KB: So you kept your clothes on and climbed into bed with her?

RT: The entire time, the entire time. I had on a black t-shirt and a blue pair of swimming trunk shorts.

KB: Ok so you are cuddling with her, you are cupping her breast, did you get sexual gratification from doing that?

RT: No.

KB: So what was your purpose for doing that?

RT: That's just where my hand landed and we went to sleep.

KB: If she had not been so intoxicated, do you think she would have invited you into her bed?

RT: Am I basing this on prior history? The knowledge...

KB: Basing this on the fact that you were not in a dating relationship any longer, that she changed the locks on her door?

RT: We have, we have been in a sexual relationship just as friends. The answer is yes.

KB: Ok but have you been in a sexual relationship since you broke up?

RT: No.

KB: So now, she's at the bar, she's very drunk,

RT: Yes Ma'am.

KB: You're saying she's very drunk, she's not really in a state to make decisions.

RT: Therefore I decided not to have sex with her.

KB: But you chose to get in bed with her and cup her breast.

RT: She pulled me onto the bed, I was tired it was three o'clock in the morning, I was behind her, we both went to sleep or passed out, however you want to say it.

KB: Regardless though, do you think [REDACTED] was coherent enough to make a decision about you staying with her in bed?

RT: I cannot answer that I don't know.

KB: Because of your feelings for her do you think you kind of took advantage of the situation?

RT: No.

KB: Were you maybe hoping she would change her mind?

RT: No I knew based on what I had found out the previous month that I was never going to get back together with her. I mean I still love her but I was never going to get back together with her.

Toohey agreed he stated in his interview with Detective Shands, that he had three beers and four whiskeys at the barbecue between 6:00 PM and 10:00 PM. He had a total of seven drinks, drove from Guatay to Descanso and then from Descanso to Santee. At the Santee Sports Bar he remembers drinking one Blue Moon and ordering a second. Although the bartender said he drank whiskey, he does not recall drinking any whiskey with [REDACTED] but he could have. He is not sure who ordered the whiskeys that were on the bar bill.

I read Toohey the following quote from his interview with Detective Shands. Toohey said "I didn't have sex with her and I didn't let her drive drunk. Ya I probably was drunk when I drove, but once again me being stupid or foolish or whatever I took, I said to myself I'd rather me be driving than her."

RT: *It was a foolish mistake, I, if I, if I could turn back the clock it would never of happened that way, but I can't.*

KB: *Was you driving the only option?*

RT: *I hadn't thought about it. I didn't I just, like I said I just reacted.*

KB: *As deputy sheriffs are we supposed to be making good decisions, is that what we get paid to do?*

RT: *I screwed up.*

KB: *Could you have called a cab?*

RT: *I suppose.*

KB: *Or called a friend?*

RT: *As far as friends where she lives versus friends where I live, it's two different circles.*

KB: *Ok, however umm*

RT: *I, like I said I screwed up.*

KB: *Driving under the influence of alcohol was not your only option.*

RT: *I, in retrospect you are absolutely right. Like I said I screwed up.*

KB: *So by doing this did you put your life, [REDACTED] life and the public in danger?*

RT: *Perhaps. (Pause) I regret it.*

KB: *So you would agree that it was not a good decision to drive after consuming that amount of alcohol?*

RT: *Looking back, absolutely right.*

KB: *Ok, and you are aware that it is a criminal offense as well as a violation of Sheriff's Policy and Procedure to drive while intoxicated?*

RT: *Yes Ma'am. I screwed up.*

I explained to Toohey that [REDACTED] had told Detective Shands that when he took his lunch break from the jail, he would regularly stop by her house and bring her toilet paper and other supplies from the jail. Toohey said "Negative." Toohey would go buy her food, Monster drinks, cigarettes and even toilet paper, but he never brought her any supplies that he obtained from his work.

I showed Toohey a photo of a text message from [REDACTED] cell phone which was a JIMS photo of [REDACTED], a mutual friend. I asked Toohey if he took a picture with his personal phone of a JIMS booking photo of his friend, [REDACTED], and sent it. He said he did take the photo and sent it to [REDACTED]. Toohey said [REDACTED] was celebrating ten years since his arrest for driving under the influence and asked him for it. Toohey said he screwed up.

Toohey admitted that he has given other people he knows copies of their arrest photos once or twice. I showed Toohey copies of JIMS printouts for [REDACTED], [REDACTED] that were found at his house during the search warrant by Detective Shands.

KB: Did you make these copies and take them to your house?

RT: Yes those were at my house.

KB: Did you make these copies at work and take them to your house?

RT: Yes Ma'am.

KB: OK. And are you allowed to make copies of that type of information for personal reasons?

RT: Well, no, no.

KB: Did you copy these for personal reasons?

RT: Um, the first two, somebody asked me who were the two people who got arrested from a bar down the street.

KB: Ok, who asked you that?

RT: The bartender at the bar.

KB: Ok, so was this part of a criminal investigation you were doing?

RT: No Ma'am.

KB: Are you supposed to share that information with people not in law enforcement?

RT: *No Ma'am, and I did not share this with anybody. This (referring to the copy of the JIMS printout for [REDACTED]) is [REDACTED] ex boyfriend or whatever, had said that she did not put money on his books and she asked me if I could look up the dates that she did put the money on his books so she could tell him, yes I did put this money on your books.*

KB: *(I showed Toohey the JIMS printouts for [REDACTED] and [REDACTED]) So, here is the information that you were looking at?*

RT: *Yes Ma'am.*

KB: *And then you shared that information with the bartender?*

RT: *I told her, she knew both people they were friends of hers.*

KB: *Ya, and what did you tell them?*

RT: *That's the two that got arrested.*

KB: *So you did share this information with the bartender?*

RT: *Just their names that was it. Poor judgment.*

AO: *Can I just real quick,*

KB: *Ya*

RT: *Yes sir.*

AO: *I want to reiterate*

KB: *Ya*

AO: *The only thing you shared was this paper which was the names,*

RT: *Yes*

AO: *Not the JIMS printout,*

RT: *No, I never showed them*

AO: *Nothing out of this at all.*

RT: *Nothing at all out of that.*

KB: However, you did print it out and take it to your home

RT: Yes Ma'am. It was in my work bag.

KB: Um, but there was no job related reason for you to look up this information and make copies of it.

RT: No Ma'am.

KB: And you are aware that you're prohibited from looking up JIMS information for personal reasons.

RT: I know we're not allowed to look up criminal histories through ARJIS and SUN.

KB: You're not allowed to look up JIMS information either.

RT: OK

I showed Toohey photos that were obtained through a search warrant of his personal phone. The first photos I showed him were of deputies in the hallway at the jail. The photos appear to have been taken from the surveillance cameras of the hallway at the jail. The photos were date and time stamped. Toohey said he has no memory of taking these photos. The photos were not clear and Toohey said he did not recollect why he would have taken them. Toohey said he has taken videos and photos on his phone for training purposes for deputies. He said the deputies look up to him and they have had use of forces that went bad so he has used them for training to show the deputies what they should have done.

The photos were taken in January and March of 2014 and were still on his phone. Toohey said he was going to make a power point on use of force, so it was easier to keep the photos on his phone, because he worked on it at his house. Toohey said he has never shown any of the photos to anyone who is not in law enforcement.

I showed Toohey a photo obtained from his phone, of a female inmate in her underwear. Toohey said it was not a photo, it was a video. Toohey said he used it for training because he has 20 deputies who look up to him for support. He said when they are working together, they run through scenarios, especially on night shift. He said he showed the video to several deputies and asked them if they thought the use of force was correct. He said the deputies agreed that "No" it was not correct. He would then ask them what their options would be in that situation. Toohey said he does not go around showing the video to the public and his phone is password protected.

I showed Toohey a photo of bloody clothing and feces in a cell at the jail. I asked him why he had this photo on his phone. Toohey said he took it on his phone when they wrote the ISR

(Inmate Status Report) after the incident with this inmate. He said it was still on his phone because he had not yet deleted it. He said he left it on his phone because of laziness.

I showed Toohey a photo obtained from his phone of a personal injury report for Deputy Marcoux. Toohey said that Sergeant Hightower had filled it out incorrectly. Toohey took the photo to show the sergeant that it was incorrect, but the sergeant did not care. He said Marcoux knew he took the picture.

I showed Toohey a photo Detective Shands had taken of waist chains that were found at Toohey's residence during the search warrant. Toohey said the waist chains did not come from Descanso Jail as Detective Shands had thought. Toohey said as a male deputy working at Las Colinas, he gets sent on transportation runs all the time. He said half the time there are no leg or waist chains available so he made a go bag of his own. Toohey said the two pairs of handcuffs that were with the waist chains were from Descanso Jail. He said the handcuffs were given to him. Toohey said when they recently closed Las Colinas, they were told to empty out their lockers. He took his equipment home, but had not taken it to the new jail yet because the lockers were a lot smaller.

I told Toohey that Detective Shands had said the waist chains had been kind of on display at his house. Toohey said they were not displayed, they were in his go-bag. However, a friend of his one night at his house, had taken them out, displayed them, and took a picture of them. Toohey said that was a long time ago. Toohey said he does not own a car, he rents cars so he takes everything out of his car and puts it in his house when he goes home.

I showed Toohey both a hand written, and a typed, itemized list of expenses that was obtained from his residence during the search warrant by Detective Shands. Toohey recognized the lists and said he created both lists. Toohey agreed the lists documented items he had purchased for [REDACTED] along with the dollar amount he spent on each item. On the hand written document it says, "Weed [REDACTED] \$30." On the typed document it says, "Weed for kid \$30."

KB: So you purchased marijuana for [REDACTED] son?

RT: I did not purchase it. It was given, I obtained it for him. Poor choice, I did.

KB: Ok.

RT: I was trying to prevent a melt down.

KB: So you obtained it for him but you put down there thirty dollars.

RT: Because that's how much, the friend of mine that gave it said that's what it would cost.

KB: So obviously you did purchase it.

RT: I did not pay my friend for it.

KB: Last I checked people don't just give people thirty dollars worth of weed.

RT: I explained the situation, I got it, obtained I, I gave it to him, I regret it, I was trying to stop a meltdown.

KB: Ok but you are aware that marijuana is illegal?

RT: I screwed up. I admit it.

KB: You understand that marijuana is illegal to possess?

RT: Yes Ma'am

KB: Uh the person you got the marijuana from, do they know you are a deputy?

RT: Yes Ma'am

KB: And they still gave you marijuana?

RT: Yes Ma'am. I, like I said I was trying to stop a meltdown,

KB: So that means you are friends with someone who uses marijuana?

RT: I know a bunch of people that use marijuana. I don't hang at their house and if..

KB: Well for someone to just give you marijuana, they would have to be a pretty good friend.

RT: She is a good friend because we have a ten year history.

KB: Does he smoke marijuana around you?

RT: I would not let him.

KB: You realize that by obtaining marijuana whether you purchased it or not,

RT: I screwed up.

KB: that you were basically validating criminal behavior,

RT: Yes Ma'am. I was under the impression that he had a medical marijuana card.

KB: Regardless,

RT: I understand. I was just trying to stop a meltdown.

KB: By doing this did you fail to represent the Sheriff's department in a professional manner?

RT: No, like I said I screwed up. I feel, in mitigating, in my, I can't defend it, but on a prior occasion when he had the same meltdown when he didn't get it, he destroyed our house, he destroyed his phone, he destroyed furniture, he punched holes in walls and broke his knuckles and then he proceeded to overdose on a 100 pills and tell me that if I call the cops he is going to run into the river and die and that he is not going to let me take him to the hospital.

KB: Is he your son.

RT: No, he's her son.

KB: Does it make it ok, to commit a criminal act..

RT: No it doesn't

KB: Because you think it's a better choice?

RT: I just, I was fearing, it was a very poor choice. I regret doing it and I, ya know I'm kicking myself in the teeth every day since. But based on the prior meltdown, I mean I ended up taking him to the hospital because of a drug overdose on his prescription medication. I just wanted to stop it.

KB: Well taking an oath as a deputy sheriff, did you take an oath to uphold the law?

RT: I, I made a big mistake.

I showed Toohey a Sheriff's Identification card that was obtained by Detective Shands at his residence during the search warrant. The card had a photo of Toohey with the name "Robby Storton." Underneath the name it said "Sergeant-Detentions," and on the back of the card was Toohey's personal information. Toohey immediately acknowledged that he recognized the

identification card. Toohey said Storton is a friend of his. Storton is currently a detentions lieutenant on the Sheriff's Department.

Toohey said he worked at the Descanso Detention Facility from 1997 to 2009. While assigned to Descanso, his sergeant and lieutenant asked him if they could create identification cards for their civilian staff. At the time, civilian workers did not have identification cards. Toohey said as a prototype, he created this card as a sample. Toohey does not remember if Storton was there when this occurred. He said Lieutenant Coyne told him this card looked too close to ours, (Sheriff employee identification card) so Toohey created a whole different card just for Descanso. Toohey said he was in charge of creating and producing the identification cards. He said he did this until he gave up this position to Larry Anderson.

Toohey said he used Storton's name with his picture just as a sample. He got the information for how to create the identification card from the internet. He used this information to show how un-secure the Sheriff's website was at the time. Toohey said he took the card he had created to Mike McNally at Data Services and asked him if the card looked real. McNally told him it looked just like the Sheriff's identification cards. Toohey said after that, they tightened security on the Sheriff's website.

Toohey said he had totally forgotten about the identification card until this year when one of his sergeants asked to see all of his equipment for a uniform inspection. He found it in his property and had left it out because he was going to leave it on Storton's desk as a joke. Toohey said he has never shown the fraudulent identification card to anyone in the public. He said he has never represented himself as Robby Storton by showing this card.

I explained to Toohey that just recently Detective Shands was contacted by [REDACTED] who complained to her that Toohey was at Don's Cocktails with a mutual friend named [REDACTED] and Toohey was telling people that if he gets in trouble that he is going to take her down with him. Toohey said he has not said that at this bar or any bar in Santee. Toohey said he and [REDACTED] were at Don's Cocktails recently but he did not say that. Toohey said that people are telling him that he should have [REDACTED] arrested.

I explained to Toohey that [REDACTED] and her sons told Detective Shands that frequently in public, Toohey will identify himself as a deputy sheriff to people he does not know. They believe he is doing this to influence those people for personal gain. [REDACTED] said Toohey told the tow company where they picked up her car, that he was a deputy. Toohey said he keeps his driver's license in his flat badge wallet and when he took out his driver's license the person at the tow company saw his Sheriff's identification card. He said he did not show his identification for personal gain. I also explained to Toohey that a deputy said he had seen Toohey go into a bar in Pine Valley in his uniform. Toohey said he has not been to a bar in Pine Valley for over two years and if he does go in a bar, he wears a cover shirt.

I reviewed the following things we discussed during the interview:

KB: Did [REDACTED] make you drive to Santee Sport Bar after you had been drinking alcohol, or did you make the decision to do that?

RT: *I made the decision based on the text she sent.*

KB: *But she didn't make you do it?*

RT: *No Ma'am.*

KB: *Did you make the decision to drink more alcohol at the Santee sport Bar and then drive your vehicle with [REDACTED] as a passenger?*

RT: *Yes Ma'am.*

KB: *Do you believe that you were intoxicated at the time you were driving?*

RT: *Well, having one beer puts you intoxicated, so yes.*

KB: *Did you make the decision to get into bed with [REDACTED] and cup her breast while she was extremely intoxicated?*

RT: *She pulled me onto the bed.*

KB: *But did you choose to stay there? She couldn't force you to stay.*

RT: *We passed out. Three hours later I woke up and told her I was going home because I had to work that night.*

KB: *But she didn't make you stay?*

RT: *Correct.*

KB: *Did you make the decision to send a JIMS photo of [REDACTED] via text to him and [REDACTED]?*

RT: *Yes Ma'am.*

KB: *The uh waist chains at your residence, um you say were at your residence because you keep them in your go-bag?*

RT: *Yes Ma'am*

KB: *Did you make a decision to keep photos of work related incidents on your personal phone for months after the incidents occurred?*

RT: *Absentmindedly.*

KB: *But you did.*

RT: *Not intentionally.*

KB: *But they were there.*

RT: *Yes, yes Ma'am.*

KB: *Ok. Did you make the decision to obtain marijuana?*

RT: *Yes ma'am.*

KB: *Did you possess and or alter or make a fake Sheriff's identification card?*

RT: *I created it for facility use, as a sample, 14 years ago.*

KB: *Ok, but you did, you were in possession of that.*

RT: *Yes ma'am.*

KB: *Ok. Have you used your position as a deputy to influence people in the public for personal gain?*

RT: *No ma'am.*

KB: *Did you make threats toward [REDACTED] to other people in a bar?*

RT: *No ma'am.*

KB: *As a deputy sheriff are you expected to display honesty, integrity, loyalty, trust, respect and fairness?*

RT: *Yes ma'am.*

KB: *Does this apply to your behavior both on duty and off duty?*

RT: *It should.*

KB: *Has your recent behavior reflected poorly on you as a deputy sheriff and the Department as a whole?*

RT: *I'm embarrassed and mad at myself. Yes ma'am. It's been a bad year.*

KB: *Is there anything else you would like to say?*

RT: *I lost my mom this year, I lost my aunt this year, I have no family left, I made poor choices. I screwed up. I regret it. I've learned from it. It's*

been an emotional roller coaster for the last 64 days and if I could turn back the clock I would definitely do things different. I love my job, my peers love me. The only reason that I didn't retire when I turned 50, was because I have 20 deputies that look up to me. And that, they call on me every day. They call on me now for advice and on reports and stuff. It's like they are my only family.

The interview was concluded with an order not to disclose at 1434 hours.

FOLLOW-UP WITNESS STATEMENT-LIEUTENANT ROBBY STORTON.

On December 1, 2014, at about 1649 hours, I conducted a follow-up telephone interview with Lieutenant Robby Storton. The interview was not recorded. Storton confirmed that he was the Administrative Sergeant, at Descanso Detention Facility in the early 2002 or 2003. Brian Coyne was his lieutenant and Toohey was the trustee deputy. Storton said Toohey was good at administrative type duties and was regularly given administrative tasks to handle. Storton said they purchased a really good laminating machine so Toohey could make identification cards for visiting workers to wear while on the facility grounds. Making these identification cards were part of Toohey's assigned duties. Storton does not recall the identification cards looking like sworn identification cards and he again said Toohey never showed him a Sheriff's ID with Toohey's picture, and his name on it.

The interview was concluded with an order not to disclose at 1700 hours.

STATEMENT OF WITNESS – SHERIFF'S DEPUTY ASHLEY MARCOUX

On December 1, 2014, I conducted a telephone interview with Deputy Marcoux. The interview was not recorded. I told Deputy Marcoux that a photo of a personal injury report for her was found on Deputy Toohey's phone. Marcoux said she took the photo and sent it to Toohey, to show him how the sergeant had spelled her name incorrectly.

The interview was concluded at about 1228 hours.

STATEMENT OF WITNESS – SHERIFF'S LIEUTENANT BRIAN COYNE (RETIRED)

On December 10, 2014, at about 1729 hours, I conducted a telephone interview with Retired Sheriff's Detentions/Ct Svc Lieutenant Brian Coyne. The interview was digitally recorded and Lieutenant Coyne was aware of the recording. There were no other persons present. A synopsis of this interview is as follows. (See Attachment N for the recorded Interview.)

Before going on record, I explained the nature of the interview to Lieutenant Coyne and that he was a witness to this investigation.

Coyne knows Toohey and has known him for 15 to 20 years. Coyne was the Lieutenant at Descanso Jail from about 2002 to 2004. During that time period, Storton worked there as the Administrative Sergeant and Toohey was a deputy. Coyne vaguely remembered Toohey being tasked with making identification cards for civilian workers. Coyne does remember purchasing a laminating machine for making identification cards, and he does not remember if it was for making civilian workers identification cards, or if it was used for making trustees identification cards, or maybe both.

Coyne has no specific memory of Toohey showing him a fake Sheriff's identification card with Toohey's photo and Robby Storton's name printed on it. I told Coyne that Toohey said he was asked to come up with a prototype for an identification card for civilian employees and that this fake Sheriff's card was the prototype. I told Coyne that Toohey said he showed Coyne the card and Coyne told him the fake card looked too much like a Sheriff's employee identification card, so Toohey made another card. Coyne said that sounds like something he would say, but he could not say Toohey did not do that. Toohey would have done things like that in his role as an administrative deputy.

Coyne said he would never have allowed a card so similar to the Sheriff's identification card to be used. Coyne has no memory of Toohey going to McNally at Data Services regarding the Sheriff's website being un-secure. He has no memory of discussing any of this with Storton or Toohey.

The interview was concluded with an order not to disclose at 1734 hours.

STATEMENT OF WITNESS – ASST. SHERIFF MICHAEL MCNALLY (RETIRED)

On December 10, 2014, at about 1422 hours, I conducted interviewed Retired Assistant Sheriff Michael McNally in the Internal Affairs conference room located at the John F. Duffy Administration Center. The interview was digitally recorded and Assistant Sheriff McNally was aware of the recording. There were no other persons present. A synopsis of this interview is as follows. (See Attachment N for the recorded Interview.)

Before going on record, I explained the nature of the interview to Assistant Sheriff McNally and that he was a witness to this investigation. Prior to the start of this interview, I asked Assistant Sheriff McNally to review the following four Rules of Conduct applicable to Internal Affairs Investigations: Insubordination, Intervention, Departmental Reports and Truthfulness. Assistant Sheriff McNally understood the rules and his obligation to adhere to them.

McNally is currently employed on the Sheriff's Department as a 960 hour re-hire. He is a Temporary Expert Professional working out of the Public Affairs office maintaining their website, doing graphics and strategic planning.

McNally said he knows the name "Toohey" but his memory of Toohey is vague. I showed McNally the Fake Sheriff's identification card which had Toohey's picture and Robby

Storton's name on it. McNally had no memory of Toohey ever coming to him when he was working at Sheriff's Data Services and showing him a fake Sheriff's identification card, for the purpose of pointing out to McNally how un-secure the Sheriff's website was. McNally had no memory of ever seeing this identification card. McNally worked temporarily at Data Services in 1996. Toohey claims he made the card while in Descanso. Toohey was in Descanso from 1997 to 2009, so the time line does not correlate. McNally said it did not make sense because there is no connection between the production of the fake identification card and the security of the Sheriff's website.

McNally said he has a vague memory from some point in his career, when an individual, he does not recall who, showed him a Xerox copy of their identification card that they carried around in a plastic cover on a lanyard. McNally said he thinks that he would have remembered a fake identification card like this, and he would have taken it from the deputy.

The interview was concluded with an order not to disclose at 1429 hours.

Submitted by: Kimberley J. Baker 12/31/2014
Kimberley Baker, Sergeant Date

Approved by: Christine Harvel 12/31/2014
Christine Harvel, Lieutenant Date

KGB:kgb

KS 7-42
11-14-14

East County
East County Branch
District / Division

OFFICE OF THE DISTRICT ATTORNEY
COMPLAINT REQUEST EVALUATION
INFRACTION

CONFIDENTIAL:
Compiled for District Attorney
and Law Enforcement use only.

Agency: SD County Sheriffs Department - Child Abuse		Case No.(s): 14148298		CMS No.: 996495	
Investigator SHANDS, L	Beat No.	Badge/ID No. 1062	Arresting Officer SHANDS, L	Badge/ID No. 1062	Business Phone: (619) 956-4042

Defendant Information	DOB	Charges	Date of Offense	Booking/Cit. No.
Robert Lee Toohey				

Defendant Evaluation Issues	ACTION TAKEN
Robert Lee Toohey 11. Insufficient evidence of corpus	Rejected - See Remarks

REMARKS:

Detective Shands,

As we discussed, this case cannot be proven and will not be issued at this time. V and suspect had dated briefly earlier this year and remain friends although admittedly suspect wants more. V portrays suspect somewhat jokingly as her stalker. Victim was very drunk at the bar and began texting suspect that she was going to drive home drunk. Suspect came to the bar and had some drinks. By the look of the video, he had been drinking previously. V becomes so drunk she is limp and suspect is trying to take her home. Another patron intervenes but then V is carried out to suspect's car by a group. Suspect falls on V trying to leave. This too is on video. All V knows is that she woke up with no pants on. She does not remember any sex or anything but is sore everywhere (whether this is from falling or otherwise is unknown). She submits to a SART. No male DNA is located but there is evidence of blunt force trauma to the outside of the vagina.

An eyewitness had seen suspect trying to get V out of D's car at her house. He wanted suspect to call an ambulance because V was so passed out. Suspect yelled at the good Samaritan and drove away.

According to suspect, he tried to take V to his house, but she was too drunk and he couldn't get her out of the car. She was so drunk that she took her pants off in the car. So he took her to her house – and she fell and hit her face on a doorknob and got a black eye. He says she fell numerous times and mentioned the fall at the bar earlier as well. Suspect got her into bed and cuddled with her and then left at 6:00 a.m. There is some video at his complex that verifies this general timeline. D either has no recollection of – or left out the part – about the good Samaritan. He says there was no sex or sexual touching (except breast cupping as they were spooning). They are both all scraped up the next day.

Due to the lack of physical evidence, lack of recall by V, and suspect's outright denial that any sex occurred, it cannot be proven that a sex crime was committed.

Please contact me with any questions.

District Attorney
Bonnie M. Dumanis

11/11/2014

Kerry Conway



District Attorney Bonnie M. Dumanis	By Deputy District Attorney KERRY M CONWAY	Approved By	Date Created 11/11/2014
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San Diego County Sheriff's Department Follow-Up Report

CAD Event No E1969765

Case No 14148298

Primary Victim

Report No 14148298.2

1

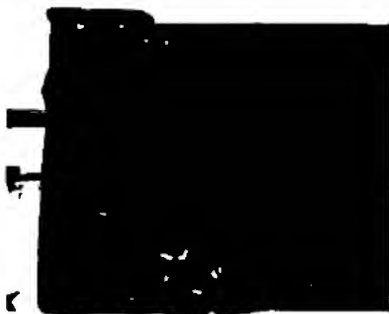
Page 1 of 48

GENERAL CASE INFORMATION

Primary Charge 261 (A)(3) - PC - RAPE OF DRUGGED VIC (F)			
Special Studies		Related Cases	
Location, City, State, ZIP		Occurred On 09/20/2014 18:00:00 (Saturday)	
Jurisdiction	Beat	Call Source	(and Between)
City of Santee		ADMIN	09/21/2014 13:00:00 (Sunday)
Means		Motives 07 - To satisfy personal need or desire	

VICTIMS

Victim #1



Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer
Name	Victim Type		Interpreter Language	
	I - Individual		EN - English	

ALIAS / AKA / NICKNAME / MONIKER				
Name Type	First	Middle	Last	Suffix

Victim Of 261 (A)(3) - PC - RAPE OF DRUGGED VIC (F)								County Residence
Home Address, City, State, ZIP								R - Resident
Res Country								Undocumented
US								No
Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion
Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP					
U -								

CONTACT INFORMATION	
Type	Number/Address

IDENTIFICATION			
Type	Number	State	Country
			US
Type	Number	State	Country

Attire	Injury	Extent of Treatment	Violent Crime Circumstances
ORANGE T-SHIRT, PINK BRA, NO UNDERWEAR, JEANS, BOOTS	M - Apparent Minor Injury	03 - Hospital	
LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION	Type	Type Activity	Type Assignment
VICTIM OFFENDER RELATIONSHIPS	Offender	Relationship	
	S1 - Toohy, Robert Lee	BG - Victim Was Boyfriend/Girlfriend	

IBR/UCR OFFENSE/S

Offense Description	Level	Against	Completed?	Counts	Using
261 (A)(3) - PC - RAPE OF DRUGGED VIC (F)	F	PE	Yes		

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date	Detective Assigned	Reviewed Date
9/24/2014 1:51:04 PM	SH1062 - SHANDS, LAURA	11/12/2014 08:12:13



Diego County Sheriff's Department Follow-Up Report

CAD Event No E1969765

Case No 14148298

Primary Victim

Report No 14148298.2

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Location Type 204 - Single Detached Home		Hate/Bias 88 - None (No Bias)		Domestic Violence Yes	
Criminal Activity	Type Security	Gang Related No	Entry	Point of Entry	
Weapons/Force 40 - Personal Weapons (Threats, Hands, Fists, Feet, etc.)	Tools		Targets RES11 - Person		
ARRESTEE/S					

SUSPECT/S (Not Yet Arrested)**Suspect #1**

Name Toohy, Robert Lee	County Residence R - Resident	Interpreter Language EN - English
----------------------------------	---	---

Name Type: First: Middle: Last: Suffix:									
Home Address City State ZIP					Res. Country		Place of Birth		Undocumented
Race W	Sex M	Date of Birth / Age 52	Height 6' 0"	Weight 300 lbs	Hair Color BRO	Eye Color BRO	Facial Hair 01 - Clean Shaven	Complexion	
Hair Style S - Straight		Hair Length S - Short		Build FAT - Heavy		Teeth		Suspected User No	
Employment Status E - Employed		Occupation/Grade Corrections Deputy		Employer/School San Diego County Sheriff's Department		Employer Address, City, State, ZIP 9000 Cottonwood, Santee, CA 92071			
CONTACT INFORMATION:									
Type MP - Mobile Phone					Number/Address				
IDENTIFICATION									
Type DLN - Drivers License			Number		State CA			Country	
SCARS, MARKS, TATTOOS, ODDITIES									
Type GLASSES - GLASSES		Class / Subclass			Description			Image	
Attire black shirt, hawaiian shorts					Suspect Actions 07 - Had Been Drinking 42 - Knew Victim or Victim's Name 27 - Inflicted Injury,				

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



San Diego County Sheriff's Department Follow-Up Report

CAD Event No. E1969765

Case No 14148298

Primary Victim [REDACTED]

Report No 14148298.2

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WITNESSES

Witness #1

Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer				
Witness Type Code	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other		
Name	[REDACTED]			Person Code	County Residence			
[REDACTED]								
ALIAS / AKA / NICKNAME / MONIKER								
Name Type	First	Middle	Last	Suffix				
Home Address, City, State, ZIP			Res. Country	Place of Birth	Undocumented			
[REDACTED]								
Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP					
R - Retired								
CONTACT INFORMATION								
Type	Number/Address							
HP - Home Phone	[REDACTED]							
Type	Number/Address							
WP - Work Phone	[REDACTED]							
Type	Number/Address							
MP - Mobile Phone	[REDACTED]							
IDENTIFICATION								
Type	Number	State	Country					
DLN - [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]					
Number								
Injury	Extent of Treatment							

Witness #2

Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer				
Witness Type Code	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input checked="" type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other		
Name	[REDACTED]			Person Code	County Residence			
				12 - Other Expert	R [REDACTED]			
ALIAS / AKA / NICKNAME / MONIKER								
Name Type	First	Middle	Last	Suffix				
Home Address, City, State, ZIP			Res. Country	Place of Birth	Undocumented			
[REDACTED]								
Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP					
E - Employed								
CONTACT INFORMATION								
Type	Number/Address							
WP [REDACTED]	[REDACTED]							
IDENTIFICATION								
Type	Number	State	Country					
Injury	Extent of Treatment							

Witness #3

Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer		
Witness Type Code	<input type="checkbox"/> 01-Arresting Officer	<input checked="" type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other
Name	[REDACTED]			Person Code	County Residence	
				06 - Other Lay Witness	R [REDACTED]	
ALIAS / AKA / NICKNAME / MONIKER						
Name Type	First	Middle	Last	Suffix		
Home Address, City, State, ZIP			Res. Country	Place of Birth	Undocumented	
[REDACTED]			US		No	

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date	Detective Assigned	Reviewed Date
9/24/2014 1:51:04 PM	SH1062 - SHANDS, LAURA	11/12/2014 08:12:13



San Diego County Sheriff's Department Follow-Up Report

CAD Event No: E1969765

Case No: 14148298

Primary Victim: [REDACTED]

Report No: 14148298.2

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Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion
E								
Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP					
CONTACT INFORMATION								
Type	Number/Address							
MP								
IDENTIFICATION								
Type	Number	State				Country		
DLN								
Injury		Extent of Treatment						

Witness #4

Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer				
Witness Type	<input type="checkbox"/> 01-Arresting Officer	<input checked="" type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other		
Name	Person Code			County Residence				
	06 - Other Lay Witness							
ALIAS / AKA / NICKNAME / MONIKER								
Name Type	First	Middle	Last	Suffix				
Home Address, City, State, ZIP	Res. Country		Place of Birth	Undocumented				
	US			No				
Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion
Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP					
CONTACT INFORMATION								
Type	Number/Address							
MP								
IDENTIFICATION								
Type	Number	State				Country		
DLN								
Injury		Extent of Treatment						

Witness #5

Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer				
Witness Type	<input type="checkbox"/> 01-Arresting Officer	<input checked="" type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other		
Name	Person Code			County Residence				
	06 - Other Lay Witness							
ALIAS / AKA / NICKNAME / MONIKER								
Name Type	First	Middle	Last	Suffix				
Home Address, City, State, ZIP	Res. Country		Place of Birth	Undocumented				
	US			No				
Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion
Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP					
CONTACT INFORMATION								
Type	Number/Address							
MP - Mobile Phone								
IDENTIFICATION								
Type	Number	State				Country		
DLN - Drivers License								
Injury		Extent of Treatment						

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date	Detective Assigned	Reviewed Date
9/24/2014 1:51:04 PM	SH1062 - SHANDS, LAURA	11/12/2014 08:12:13



San Diego County Sheriff's Department Follow-Up Report

CAD Event No **E1969765**Case No **14148298**

Primary Victim [REDACTED]

Report No **14148298.2****5**

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Witness #6

Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer		
Witness Type Code	<input type="checkbox"/> 01-Arresting Officer	<input checked="" type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other
Name	[REDACTED]			Person Code	06 - Other Lay Witness	
County Residence [REDACTED]						
ALIAS / AKA / NICKNAME / MONIKER						
Name Type	First	Middle	Last	Suffix		
Home Address, City, State, ZIP			Res Country	Place of Birth	Undocumented	
[REDACTED]			US	[REDACTED]	No	
Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Facial Hair	Complexion					
[REDACTED]	[REDACTED]					
Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP			
E	[REDACTED]	[REDACTED]	[REDACTED]			
CONTACT INFORMATION						
Type	MP			Number/Address		
[REDACTED]				[REDACTED]		
IDENTIFICATION						
Type	DLN			State	Country	
Number			[REDACTED]	CA	[REDACTED]	
Injury			Extent of Treatment			

Witness #7

Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer		
Witness Type Code	<input type="checkbox"/> 01-Arresting Officer	<input checked="" type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other
Name	[REDACTED]			Person Code	06 - Other Lay Witness	
County Residence [REDACTED]						
ALIAS / AKA / NICKNAME / MONIKER						
Name Type	First	Middle	Last	Suffix		
Home Address, City, State, ZIP			Res Country	Place of Birth	Undocumented	
[REDACTED]			US	[REDACTED]	No	
Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Facial Hair	Complexion					
[REDACTED]	[REDACTED]					
Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
CONTACT INFORMATION						
Type	MP			Number/Address		
[REDACTED]				[REDACTED]		
Type	WP			Number/Address		
[REDACTED]				[REDACTED]		
IDENTIFICATION						
Type	DLN			State	Country	
Number			[REDACTED]	[REDACTED]	[REDACTED]	
Injury			Extent of Treatment			

Witness #8

Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer		
Witness Type Code	<input type="checkbox"/> 01-Arresting Officer	<input checked="" type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other
Name	[REDACTED]			Person Code	06 - Other Lay Witness	
County Residence [REDACTED]						
ALIAS / AKA / NICKNAME / MONIKER						
Name Type	First	Middle	Last	Suffix		
Home Address, City, State, ZIP			Res Country	Place of Birth	Undocumented	
[REDACTED]			US	[REDACTED]	No	
Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Facial Hair	Complexion					
[REDACTED]	[REDACTED]					

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date	Detective Assigned	Reviewed Date
9/24/2014 1:51:04 PM	SH1062 - SHANDS, LAURA	11/12/2014 08:12:13



San Diego County Sheriff's Department Follow-Up Report

CAD Event No: E1969765

Case No 14148298

Primary Victim: [REDACTED]

Report No 14148298.2

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Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State ZIP
CONTACT INFORMATION			
Type MP [REDACTED]	Number/Address [REDACTED]		
Type HP [REDACTED]	Number/Address [REDACTED]		
IDENTIFICATION			
Type DLN [REDACTED] Number [REDACTED] Injury [REDACTED]	Number [REDACTED]	State [REDACTED]	Country
		Extent of Treatment	

Witness #9

Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer
Witness Type Code	<input type="checkbox"/> 01-Arresting Officer	<input checked="" type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert
Name [REDACTED]		Person Code 06 - Other Lay Witness	County Residence [REDACTED]	

ALIAS / AKA / NICKNAME / MONIKER									
Name Type		First		Middle		Last		Suffix	
Home Address, City, State, ZIP [REDACTED]				Res. Country US		Place of Birth		Undocumented No	
Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
Employment Status		Occupation/Grade		Employer/School		Employer Address, City, State, ZIP			
CONTACT INFORMATION									
Type MP [REDACTED]				Number/Address [REDACTED]					
IDENTIFICATION									
Type DLN [REDACTED] Number [REDACTED] Injury [REDACTED]		Number [REDACTED]		State [REDACTED]		Country			
				Extent of Treatment					

Witness #10

Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer
Witness Type Code	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input checked="" type="checkbox"/> 12-Other Expert
Name [REDACTED]		Person Code 12 [REDACTED]	County Residence [REDACTED]	

ALIAS / AKA / NICKNAME / MONIKER									
Name Type		First		Middle		Last		Suffix	
Home Address, City, State, ZIP				Res. Country		Place of Birth		Undocumented No	
Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion	
[REDACTED]	F	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
Employment Status E - Employed		Occupation/Grade Forensic Evidence Technician		Employer/School SD Sheriff's Regional Crime Laboratory		Employer Address, City, State, ZIP 5255 Mt. Etna Drive, San Diego, CA 92117			
CONTACT INFORMATION									
Type WP - Work Phone				Number/Address 858 467-4657					
IDENTIFICATION									
Type SH - Sheriff ID		Number 5238		State		Country			
				Extent of Treatment					

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



San Diego County Sheriff's Department Follow-Up Report

CAD Event No : E1969765

Case No 14148298

Primary Victim [REDACTED]

Report No 14148298.2

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Witness #11

Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer				
Witness Type Code	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input checked="" type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other		
Name Chang, Cathy			Person Code 12 - Other Expert		County Residence R - Resident			
ALIAS / AKA / NICKNAME / MONIKER								
Name Type		First	Middle	Last	Suffix			
Home Address, City, State, ZIP			Res. Country US	Place of Birth	Undocumented No			
Race	Sex F	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion
Employment Status E - Employed		Occupation/Grade Criminalist	Employer/School SD Sheriff's Crime Laboratory		Employer Address, City, State, ZIP 5255 Mt. Edna Drive, San Diego, CA 92117			
CONTACT INFORMATION								
Type WP - Work Phone				Number/Address 858 467-4600				
IDENTIFICATION								
Type SH - Sheriff ID		Number 4827		State		Country		
Injury				Extent of Treatment				

OTHER ENTITIES**Other Entity #4**

Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer				
Name [REDACTED]		Entity Type RO		Person Code	County Residence			
ALIAS / AKA / NICKNAME / MONIKER								
Name Type		First	Middle	Last	Suffix			
Home Address, City, State, ZIP [REDACTED]			Res. Country	Place of Birth	Undocumented	Interpreter Language		
Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion
Employment Status		Occupation/Grade	Employer/School		Employer Address, City, State, ZIP			
CONTACT INFORMATION								
Type				Number/Address				
IDENTIFICATION								
Type		Number		State		Country		
Injury				Extent of Treatment				

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PROPERTY

Property Item #1.000 - SART report and photo disk

Derivative No.	0	Property Category	9999 - Miscellaneous	
Status	ES - Evidence (Seized)		Count	2
Manufacturer			Model	
Serial No			Model Year	OAN
Color			Caliber	
Body Style			Recovered/ Seized Date	09/22/2014
Owner			Disposition	
Evidence Tag			Alert(s)	
Drug Type			Drug Quantity	
Search Warrant				
Notes				

Property Item #2.000 - Victim's first SART kit

Derivative No.	0	Property Category	3321 - SART / Rape kit - Swabs/slides	
Status	ES - Evidence (Seized)		Count	1
Manufacturer			Model	
Serial No			Model Year	OAN
Color			Caliber	
Body Style			Recovered/ Seized Date	09/21/2014
Owner			Disposition	
Evidence Tag			Alert(s)	
Drug Type			Drug Quantity	
Search Warrant				
Notes				
Lab Service Request	Property Notes			
DNA	Check for semen or male DNA			

Property Item #3.000 - Victim's Physiological samples

Derivative No.	0	Property Category	3320 - SART / Rape kit - Fluids	
Status	ES - Evidence (Seized)		Count	1
Manufacturer			Model	
Serial No			Model Year	OAN
Color			Caliber	
Body Style			Recovered/ Seized Date	09/21/2014
Owner			Disposition	
Evidence Tag			Alert(s)	
Drug Type			Drug Quantity	
Search Warrant				
Notes				
Lab Service Request	Property Notes			
Toxicology Send Out	Test regular drug screen and additional: Rohypnol, GHB and Ketamine.			
Lab Service Request	Property Notes			
Alcohol	Check BAC			

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Property Item #4.000 - Victim's Reference Oral Swab Kit

Derivative No	0	Property Category	3393 - Swab - Evidence / Reference		
Status	ES - Evidence (Seized)		Count	1	Value
Manufacturer			Model		
Serial No			Model Year	OAN	
Color			Caliber		
Body Style			Recovered/ Seized Date	09/21/2014	
Owner			Disposition		
Evidence Tag			Alert(s)		
Drug Type			Drug Quantity		
Search Warrant					
Notes					
Lab Service Request	Property Notes				
DNA	Develope DNA profile for victim				

Property Item #5.000 - Victim's Bra

Derivative No	0	Property Category	1409 - Underwear		
Status	ES - Evidence (Seized)		Count	1	Value
Manufacturer			Model		
Serial No			Model Year	OAN	
Color	Pink		Caliber		
Body Style			Recovered/ Seized Date	09/21/2014	
Owner			Disposition		
Evidence Tag			Alert(s)		
Drug Type			Drug Quantity		
Search Warrant					
Notes					
Lab Service Request	Property Notes				
DNA	Check for semen or male DNA				

Property Item #6.000 - Victim's shirt

Derivative No	0	Property Category	1405 - Shirt		
Status	ES - Evidence (Seized)		Count	1	Value
Manufacturer			Model		
Serial No			Model Year	OAN	
Color	Pink		Caliber		
Body Style			Recovered/ Seized Date	09/21/2014	
Owner			Disposition		
Evidence Tag			Alert(s)		
Drug Type			Drug Quantity		
Search Warrant					
Notes					
Lab Service Request	Property Notes				
DNA	Check for semen or male DNA				

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Property Item #7.000 - Victim's pillowcases from bedroom

Derivative No.	0	Property Category	2412 - Linens	
Status	ES - Evidence (Seized)		Count	2
Manufacturer			Model	
Serial No			Model Year	OAN
Color	Pink / White		Caliber	
Body Style			Recovered/ Seized Date	09/21/2014
Owner			Disposition	
Evidence Tag			Alert(s)	
Drug Type			Drug Quantity	
Search Warrant				
Notes				
Lab Service Request	Property Notes			
DNA	Check for semen or male DNA			

Property Item #8.000 - Victim's jeans

Derivative No.	0	Property Category	1404 - Pants	
Status	ES - Evidence (Seized)		Count	1
Manufacturer			Model	
Serial No			Model Year	OAN
Color	Blue		Caliber	
Body Style			Recovered/ Seized Date	09/21/2014
Owner			Disposition	
Evidence Tag			Alert(s)	
Drug Type			Drug Quantity	
Search Warrant				
Notes				
Lab Service Request	Property Notes			
DNA	Check for semen or male DNA			

Property Item #9.000 - Victim's bed sheet

Derivative No.	0	Property Category	2412 - Linens	
Status	ES - Evidence (Seized)		Count	21
Manufacturer			Model	
Serial No			Model Year	OAN
Color	Green		Caliber	
Body Style			Recovered/ Seized Date	09/21/2014
Owner			Disposition	
Evidence Tag			Alert(s)	
Drug Type			Drug Quantity	
Search Warrant				
Notes				
Lab Service Request	Property Notes			
DNA	Check for semen or male DNA			

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Property Item #10.000 - Victim's blankets from bed

Derivative No	0	Property Category	2412 - Blanket
Status	ES - Evidence (Seized)		Count 2
Manufacturer			Value
Serial No.			Model
Color	Green	Model Year	OAN
Body Style			Caliber
Owner			Recovered/ Seized Date 09/21/2014
Evidence Tag			Disposition
Drug Type			Alert(s)
Search Warrant			Drug Quantity
Notes			
Lab Service Request	Property Notes		
DNA	Check for semen or male DNA		

Property Item #11.000 - Victim's follow-up SART Report with photo disk

Derivative No	0	Property Category	9999 - Miscellaneous
Status	ES - Evidence (Seized)		Count 1
Manufacturer			Value
Serial No.			Model
Color			Model Year OAN
Body Style			Caliber
Owner			Recovered/ Seized Date 09/24/2014
Evidence Tag			Disposition
Drug Type			Alert(s)
Search Warrant			Drug Quantity
Notes			

Property Item #12.000 - Victim's follow-up SART kit

Derivative No.	0	Property Category	3321 - SART / Rape kit - Swabs/slides
Status	ES - Evidence (Seized)		Count 1
Manufacturer			Value
Serial No.			Model
Color			Model Year OAN
Body Style			Caliber
Owner			Recovered/ Seized Date 09/24/2014
Evidence Tag			Disposition
Drug Type			Alert(s)
Search Warrant			Drug Quantity
Notes			
Lab Service Request	Property Notes		
DNA	Check for semen or male DNA		

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Property Item #13.000 - Suspect's Ref. Oral Swab Kit

Derivative No	0	Property Category	3393 - Swab - Evidence / Reference		
Status	ES - Evidence (Seized)		Count	1	Value
Manufacturer			Model		
Serial No.			Model Year	OAN	
Color			Caliber		
Body Style			Recovered/ Seized Date	09/23/2014	
Owner			Disposition		
Evidence Tag			Alert(s)		
Drug Type			Drug Quantity		
Search Warrant					
Notes					
Lab Service Request	Property Notes				
DNA	Develope DNA profile for suspect				

Property Item #14.000 - Suspect's Vehicle

Derivative No	0	Property Category	3501 - Automobile/Light Truck (not Stolen or Recovered)		
Status	ES - Evidence (Seized)		Count	1	Value
Manufacturer	Chevrolet		Model	Impala	
Serial No.			Model Year	2013	
Color	Silver or Aluminum		Caliber	OAN	
Body Style	4D - Sedan, 4-door, automobile		Recovered/ Seized Date	09/30/2014	
Owner	RO: O4 - EAN Holdings, LLC		Disposition		
Evidence Tag			Alert(s)		
Drug Type			Drug Quantity		
Search Warrant					
Notes					
Lab Service Request	Property Notes				
DNA	Check for vic and/or suspect DNA as requested				

Additional Vehicle / Plate Information

License No	License Type	License Year	License State	Number of Plates	Registration Expiration	Odometer Reading
[REDACTED]	PC - Regular Passenger Auto	2015	CA - California	2	Apr 2015	
VIN	VIN Clear SVS?	Lic. Clear SVS?	Engine Number	Owner's Valuation		
[REDACTED]	Yes	Yes				
Vehicle Condition			Vehicle Items			
DS - Misc Dents or Scratches						
Vehicle Tires/Wheels						
Left Front	Right Front	Left Rear	Right Rear	Spare	Hub Caps	Special Wheels
Identifying Marks, Damage, Interior (Describe Color(s) if Customized, Etc.)						
Insurance Carrier		Policy Number		Vehicle Payments Current?		
Vehicle Security / Anti-Theft Devices		Towed To / Stored At		Drivable?		
		SDSD Crime Lab		Yes		
Location Towed / Recovered From			Location Stolen From			
[REDACTED]						
Tow Company		Tow Company Address		Tow Company Phone		
SCL - Sheriff's Crime Lab		5255 Mt. Etna Dr, San Diego CA 92117		858 467-4600		
Storage Authority / Reason		Release to Owner Authorized		Agency Hold		
22655.5 (b) CVC		Yes		No		
Originating Agency		Org. Agency Case Number		Org. Agency Date of Theft		

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Property Item #15.000 - Handwritten Letter

Derivative No	0	Property Category	1808 - Misc Notes
Status	ES - Evidence (Seized)	Count	1
Manufacturer		Model	
Serial No		Model Year	OAN
Color		Caliber	
Body Style		Recovered/ Seized Date	09/30/2014
Owner		Disposition	
Evidence Tag		Alert(s)	
Drug Type		Drug Quantity	
Search Warrant	E2014-475		
Notes			

Property Item #16.000 - VHS Tape

Derivative No	0	Property Category	1312 - Video Tape
Status	ES - Evidence (Seized)	Count	1
Manufacturer		Model	
Serial No		Model Year	OAN
Color		Caliber	
Body Style		Recovered/ Seized Date	09/30/2014
Owner		Disposition	
Evidence Tag		Alert(s)	
Drug Type		Drug Quantity	
Search Warrant	E2014-475		
Notes			

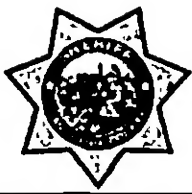
Property Item #17.000 - Fake Sheriff's Identification Card

Derivative No	0	Property Category	2501 - Identification Card Or Document
Status	ES - Evidence (Seized)	Count	1
Manufacturer		Model	
Serial No		Model Year	OAN
Color		Caliber	
Body Style		Recovered/ Seized Date	09/30/2014
Owner		Disposition	
Evidence Tag		Alert(s)	
Drug Type		Drug Quantity	
Search Warrant	E2014-475		
Notes			

Property Item #18.000 - Portable battery pack

Derivative No	0	Property Category	9999 - Miscellaneous
Status	ES - Evidence (Seized)	Count	1
Manufacturer	Motorola	Model	WPS-602-P893
Serial No		Model Year	OAN
Color		Caliber	
Body Style		Recovered/ Seized Date	09/30/2014
Owner		Disposition	
Evidence Tag		Alert(s)	
Drug Type		Drug Quantity	
Search Warrant	E2014-475		
Notes			

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Property Item #19.000 - Portable battery pack

Derivative No	0	Property Category	9999 - Miscellaneous
Status	ES - Evidence (Seized)	Count	1
Manufacturer	Motorola	Model	WPS-602-P893
Serial No		Model Year	OAN
Color		Caliber	
Body Style		Recovered/ Seized Date	09/30/2014
Owner		Disposition	
Evidence Tag		Alert(s)	
Drug Type		Drug Quantity	
Search Warrant	E2014-475		
Notes			

Property Item #20.000 - Stack of papers

Derivative No	0	Property Category	1899 - Misc Papers
Status	ES - Evidence (Seized)	Count	1
Manufacturer		Model	
Serial No		Model Year	OAN
Color		Caliber	
Body Style		Recovered/ Seized Date	09/30/2014
Owner		Disposition	
Evidence Tag		Alert(s)	
Drug Type		Drug Quantity	
Search Warrant	E2014-475		
Notes			

Property Item #21.000 - JIMS/Booking documents

Derivative No	0	Property Category	1899 - Misc Papers
Status	ES - Evidence (Seized)	Count	1
Manufacturer		Model	
Serial No		Model Year	OAN
Color		Caliber	
Body Style		Recovered/ Seized Date	09/30/2014
Owner		Disposition	
Evidence Tag		Alert(s)	
Drug Type		Drug Quantity	
Search Warrant	E2014-475		
Notes			

Property Item #22.000 - One pair of handcuffs

Derivative No	0	Property Category	9999 - Miscellaneous
Status	ES - Evidence (Seized)	Count	1
Manufacturer	Peerless	Model	
Serial No	077579	Model Year	OAN "DDF"
Color	Chrome or Stainless Steel	Caliber	
Body Style		Recovered/ Seized Date	09/30/2014
Owner		Disposition	
Evidence Tag		Alert(s)	
Drug Type		Drug Quantity	
Search Warrant	E2014-475		
Notes			

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Property Item #23.000 - One pair of handcuffs

Derivative No.	0	Property Category	9999 - Miscellaneous		
Status	ES - Evidence (Seized)		Count	1	Value
Manufacturer	Peerless		Model		
Serial No.	077587		Model Year	OAN "DDF"	
Color	Chrome or Stainless Steel		Caliber		
Body Style			Recovered/ Seized Date	09/30/2014	
Owner			Disposition		
Evidence Tag			Alert(s)		
Drug Type			Drug Quantity		
Search Warrant	E2014-475				
Notes					

Property Item #24.000 - Brass knuckles

Derivative No.	0	Property Category	9999 - Miscellaneous		
Status	ES - Evidence (Seized)		Count	1	Value
Manufacturer			Model		
Serial No.			Model Year	OAN	
Color			Caliber		
Body Style			Recovered/ Seized Date	09/30/2014	
Owner			Disposition		
Evidence Tag			Alert(s)		
Drug Type			Drug Quantity		
Search Warrant	E2014-475				
Notes					

Property Item #25.000 - (2) Waist chains, (4) Master key locks

Derivative No.	0	Property Category	9999 - Miscellaneous		
Status	ES - Evidence (Seized)		Count	6	Value
Manufacturer			Model		
Serial No.			Model Year	OAN	
Color			Caliber		
Body Style			Recovered/ Seized Date	09/30/2014	
Owner			Disposition		
Evidence Tag			Alert(s)		
Drug Type			Drug Quantity		
Search Warrant	E2014-475				
Notes					

Property Item #26.000 - Victim's Cell Phone

Derivative No.	0	Property Category	1500 - Cellular Phone		
Status	ES - Evidence (Seized)		Count	1	Value
Manufacturer	Apple iPhone 4S		Model A1387		
Serial No.	[REDACTED]		Model Year	OAN	
Color			Caliber		
Body Style			Recovered/ Seized Date	09/22/2014	
Owner			Disposition		
Evidence Tag			Alert(s)		
Drug Type			Drug Quantity		
Search Warrant					
Notes					

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Property Item #27.000 - Suspect's Cell Phone

Derivative No	0	Property Category	1500 - Cellular Phone	
Status	ES - Evidence (Seized)	Count	1	Value
Manufacturer	Motorola Droid Razr HD	Model	XT926	
Serial No		Model Year		OAN
Color		Caliber		
Body Style		Recovered/ Seized Date	09/30/2014	
Owner		Disposition		
Evidence Tag		Alert(s)		
Drug Type		Drug Quantity		
Search Warrant	E2014-475			
Notes				

Property Item #28.000 - One packette of case documents

Derivative No	0	Property Category	9999 - Miscellaneous	
Status	ES - Evidence (Seized)	Count	1	Value
Manufacturer		Model		
Serial No		Model Year		OAN
Color		Caliber		
Body Style		Recovered/ Seized Date	11/07/2014	
Owner		Disposition		
Evidence Tag		Alert(s)		
Drug Type		Drug Quantity		
Search Warrant				
Notes				

REPORT NARRATIVE

THE VICTIM IN THIS REPORT REQUESTS TO REMAIN CONFIDENTIAL PURSUANT TO CALIFORNIA PENAL CODE 293(a) AND CALIFORNIA GOVERNMENT CODE 6254.

SYNOPSIS:

On Saturday night, 09-20-14, [REDACTED] texted her ex-boyfriend, Robert Toohey, that she was at the Santee Sports Bar and wanted someone to buy her a drink. Toohey went to the bar and found [REDACTED] there, who had already starting drinking. In approximately one hour, [REDACTED] consumed two Bloody Mary drinks and one shot of whiskey. Toohey drank two beers and two shots of whiskey. Shortly thereafter, [REDACTED] became extremely intoxicated and had to be carried out of the bar by Toohey and two other customers, during which time Toohey fell down and landed on top of [REDACTED]. [REDACTED] suffered a black eye and several abrasions on her arms and legs. [REDACTED] later awoke in her bed the next day, naked from the waist down and did not remember anything past being at the bar. She complained of severe pain and soreness in and around her vagina as if she had had sex. Toohey on the other hand, stated he took her home in his car stopping to get food and a stop at his house which he couldn't get her out of his car. Toohey said [REDACTED] fell down several times during the attempts he tried to get her home. Toohey claims [REDACTED] removed her own pants while in the back seat of his car. At [REDACTED] home, Toohey carried her to her bed and they fell asleep. Toohey denies attempting to or having sex with [REDACTED]. A witness later stated [REDACTED] had her pants on during the time Toohey was trying to get her into her house, and after that failed, Toohey drove away with her.

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[REDACTED] submitted to a SART exam which later revealed no male DNA nor was there any male DNA found on her clothing or bed sheets. During the SART exam, the RN located a visible injury, (abrasion), on the outside of [REDACTED] vagina that she described as "Blunt force trauma." During the investigation of this case, I was unable to determine if [REDACTED] had been sexually assaulted by Toohey. Nor did I find any evidence that Toohey committed a sexual assault against her.

This case is being submitted to the District Attorney's Office, El Cajon Branch, for review. The incident occurred in the City of Santee, in the County of San Diego, State of California.

ORIGIN:

On 09-21-14 at about 1730 hours, I was called out to investigate a possible rape. The victim, later identified as [REDACTED], was at Kaiser Hospital with deputies H. Gastrich (#5015), and M. Collins (7127).

BACKGROUND:

Victim [REDACTED] lives in a rental condominium in the city of [REDACTED] with her [REDACTED] year old son. [REDACTED] two other adult children live in [REDACTED] and [REDACTED] is currently [REDACTED] and [REDACTED] has known the suspect in this case for over five years. They had a three month intimate relationship between March and May 2014. Since that time, [REDACTED] and Toohey have remained in contact with each other in a "friends only" relationship.

Suspect Robert Toohey, age 52, lives alone in a rental studio in the community of Descanso. Toohey has been employed by the San Diego County Sheriff's Department as a detentions deputy for the last 21 years. During the investigation of this case, Toohey was placed on administrative leave by the Sheriff's Department.

CASE INVESTIGATION:

After receiving the call-out at 1730 hours from Sergeant Magana, I spoke with Deputy Gastrich by telephone. Deputy Gastrich had taken a brief statement from the victim to complete a crime report. After I was briefed on the case, I called Independent Forensic Services (IFS) and arranged for a SART examination for the victim. At 1855 hours I arrived at IFS on College Avenue in San Diego and met with [REDACTED] son [REDACTED] and his girlfriend [REDACTED] assisted by Deputy Gastrich, was taken immediately into the examination room due to her complaints of pain.

While [REDACTED] was being examined by IFS [REDACTED] RN, I spoke with [REDACTED] son, [REDACTED] and his girlfriend, [REDACTED]. They gave me the following statements.

STATEMENTS

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Statement of [REDACTED] (witness):

At about 1100 hours that morning [REDACTED] received a text from his younger brother [REDACTED] asking that he check on their mother. [REDACTED] and his girlfriend, [REDACTED] drove to his mother's house and found her sleeping in her bed. [REDACTED] was wearing a t-shirt and nothing on below the waist. She had fresh abrasions on her knees and elbows. Her right eye was bruised and swollen. When [REDACTED] woke [REDACTED] up, she acted confused and could not remember what had happened to her. [REDACTED] told [REDACTED] she had been at the Santee Sports Bar the night before and did not remember how she got hurt, or how she got home. [REDACTED] complained of severe pain in her shoulder, back and legs.

[REDACTED] said he then called the Santee Sports Bar and spoke with the owner, [REDACTED] confirmed that [REDACTED] had been at the bar the night before. [REDACTED] said that [REDACTED] had a few drinks and was acting like she was high on pills. [REDACTED] said that [REDACTED] left the bar with Robert Toohey.

[REDACTED] said that his mother and Toohey had been in a boyfriend, girlfriend relationship months earlier. During that time, Toohey had stayed at the [REDACTED] residence on a regular basis. [REDACTED] knows Toohey as a deputy Sheriff because he "flashes his badge all the time." [REDACTED] said his mother broke up with Toohey but he has come around the house often since then. [REDACTED] has complained to [REDACTED] that Toohey is entering her house while she sleeps and takes pictures of text messages she has exchanged with her friends. On one occasion, [REDACTED] woke up and found Toohey had left his house key on the pillow beside her. [REDACTED] has expressed her concern to [REDACTED] that Toohey is stalking her. [REDACTED] was so concerned about Toohey coming into her house without her permission that she had the locks changed. [REDACTED] has seen Toohey drive past his mother's house on several occasions when he was not supposed to be there.

[REDACTED] said he looked at his mother's cell phone which showed she had sent Toohey a text last night telling him she was at the bar. [REDACTED] said he took a picture of [REDACTED] black eye and sent it to Toohey, asking him what had happened. Toohey responded to [REDACTED] text with a text stating that [REDACTED] had hit her head on the doorknob of her house.

Due to [REDACTED] condition, [REDACTED] and [REDACTED] drove her to Kaiser Hospital on Zion Avenue in San Diego. [REDACTED] admitted that [REDACTED] has "blacked out" from drinking in the past. On the way to Kaiser, [REDACTED] drove by the Santee Sports Bar and saw that [REDACTED] vehicle was parked in the parking lot.

End of statement.

[REDACTED] showed me the text messages on his cell phone which I took digital photographs of. I later downloaded the photographs to a disk and placed it into evidence. The text messages are as followed:

At 12:14 PM: From [REDACTED] phone to # [REDACTED] identified as "Officer Thooley"; A picture of [REDACTED] face which showed her black eye, and "Who fucking did this?"

At 1:47 PM: From [REDACTED] to Toohey; "She remembers."

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At 6:17 PM: From Toohey to [REDACTED]; She fell and hit her head on the doorknob of her house. You of all people should know I would never lay a hand on her I or any mother female.

At 6:39 PM: From Toohey to [REDACTED]; "Other."

At 6:40 PM: From Toohey to [REDACTED]; "Sorry my glasses got broken helping her last night."

At 7:13 PM: "From Toohey to [REDACTED]; "And why is [REDACTED] threatening me when I did nothing wrong. I am fucking pissed."

End of text between Toohey and [REDACTED]

Statement of [REDACTED] (witness):

After [REDACTED] received [REDACTED] text, [REDACTED] accompanied him to his mother's condo where they found [REDACTED] sleeping in her bed. [REDACTED] was wearing only a t-shirt and nothing below the waist. She was covered with a blanket. [REDACTED] observed [REDACTED] blue jeans on the couch in the living room and her boots and purse on the chair by the front door. [REDACTED] was extremely dazed when they woke her up and she could not remember anything besides being at the Santee Sports Bar last night.

[REDACTED] said that [REDACTED] not only complained of pain from her obvious injuries, she also complained of pain in vaginal area. [REDACTED] said she called Toohey's phone and spoke to him. Toohey told [REDACTED] that [REDACTED] had called him drunk from the bar. [REDACTED] questioned Toohey about her black eye. Toohey told [REDACTED] that [REDACTED] had fallen down on the asphalt outside the bar. Toohey said he gave [REDACTED] a ride home so she would not drive home drunk. [REDACTED] showed me a text message she sent to Toohey using [REDACTED] cell phone and his response to that text:

At 7:18 PM: [REDACTED] phone to Toohey; "This is [REDACTED]. If you did nothing wrong then you have nothing to be worried about. I suggest that you don't reply to [REDACTED] and [REDACTED] they are just protecting their mother. Just please stop talking to them until it gets resolved. It's in everyone's best interest."

At 7:21 PM: Toohey's phone to [REDACTED]; "I agree. I just didn't want her driving drunk. SSB is pissed because she was falling down in the bar as well."

End of statement.

I took digital photographs of the above text messages and later downloaded them onto a disk which was placed into evidence.

After [REDACTED] completed the SART examination, RN [REDACTED] advised me that [REDACTED] was in too much pain when she tried to insert the speculum and vaginal photographs and swabs were not taken. We discussed the possibility of a follow-up exam within the next day or two. RN [REDACTED] also advised me of

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positive findings obtained during the exam which included an abrasion at the opening of [REDACTED]' vagina at the six o'clock position. RN [REDACTED] described the abrasion as an injury consistent with "Blunt force trauma."

[REDACTED] and [REDACTED] drove [REDACTED] to her home in Santee. I followed and met with them at the [REDACTED] residence, arriving at about 2210 hours. [REDACTED] was physically exhausted and in obvious pain. [REDACTED] requested that she be allowed to get some rest and give a statement the following day.

I took digital photographs of the couch and chair in the living room where [REDACTED] boots and jeans were found. [REDACTED] had picked up the blue jeans and moved them prior to taking [REDACTED] to the hospital that morning. [REDACTED] described the position that she found the jeans in as, "folded and draped over the couch edge." I also took photographs of [REDACTED] bedroom. I collected two pillow cases, one bed sheet and two blankets from [REDACTED] bed. I collected one pair of blue jeans from the living room couch. I later placed those items into evidence at the Sheriff's P&E Unit.

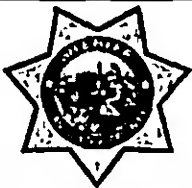
On 09-22-14 I located Toohey's personal and employee information from the Sheriff's Intranet Portal, employee directory; Robert Lee Toohey Jr., Detentions Deputy Sheriff, Arjis #5896, currently assigned to the Las Colinas Detention and Reentry Facility, 451 Riverview Parkway in Santee. His address was listed as [REDACTED], with a mailing address of [REDACTED]. Toohey's phone numbers were listed as follows; business 619-258-3181, mobile [REDACTED], and home [REDACTED]. I ran Toohey through SDLaw and determined he had a valid California Driver license # [REDACTED], and no prior criminal history.

On 09-22-14 at about 1300 hours, I interviewed [REDACTED] at her home in [REDACTED] and obtained the following information. Refer to [REDACTED] recorded statement for details. This written statement is a summary and not meant to be a substitute for the recorded interview. The audibly recorded interview was later transferred onto a CD as evidence.

Statement of [REDACTED] (victim):

[REDACTED] stated she has known Toohey for about seven years. Until March of 2014 they had not dated or been intimate. During a trip to San Filipe Mexico in March 2014, they became attracted to one another and began a dating/intimate relationship. Almost immediately, Toohey began sleeping at her home every night. [REDACTED] had been diagnosed with several medical problems and Toohey helped her out by taking care of her, and driving her to doctor's appointments. During the following three months, they had intercourse about four times. [REDACTED] said they argued a lot. Toohey thought [REDACTED] was interested in other men and grew suspicious of her activities. She said she caught Toohey looking through her text messages in the middle of the night. This caused tension in the relationship and their arguments grew intense. [REDACTED] said that Toohey drank a lot. She claimed that he has his favorite whiskey, Fireball, with him wherever he went, including in water bottles in his vehicle. She has seen a gallon size container of Fireball in his trunk beside his revolver. This frightens [REDACTED] because he drives back and forth from Descanso at 110 mph after drinking his Fireball. [REDACTED] said that Toohey even goes as far

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as going back and forth from the bar to his car to drink his Fireball so he does not have to pay the bar prices. ██████ told me she did not think he drinks while he is at work.

Sometime in May of 2014, they got into a huge argument while out driving. ██████ told Toohey the relationship was over but she wanted to try and remain friends. At some point, ██████ got out of the car and walked home. When she arrived, she discovered Toohey had removed all of his personal belongings and left, but did not return the house key.

During the following month, Toohey continuously tried to rekindle the relationship. He sent her an enormous amount of text messages every day. He spent his entire work shift texting her. Almost on a daily basis, Toohey bought her cigarettes, Monster drinks and various groceries and left them at her doorstep along with poems and notes to her. Even though they tried to remain "friends," they argued often. Toohey would confront ██████ about where she had been and who she had been with. ██████ said that Toohey knew things about her and her activities that he should not have known, like who she text with, and what the conversation was about.

██████ said she has a friend, ██████, who she had dated years earlier. They text each other or hang out at the bar several times a week. Toohey knows they are friends but suspects they are secretly dating. Toohey is extremely jealous of ██████ and he calls ██████ her "Fuck Buddy." Both ██████ and ██████ suspect Toohey sneaks around, following them trying to find out if they are intimate with one another. ██████ told ██████ that he has seen Toohey drive by his home (██████) on numerous and later caught what appears to be his car on the surveillance tape. ██████ said she jokingly but nervously calls Toohey her "stalker."

██████ suspected Toohey was using his house key and sneaking into her house during the night to look through her phone. During their arguments, Toohey would admit he had seen ██████' text messages and confront her about the content. One morning she woke up and found a key on the pillow beside her. Toohey later told her it was a key to his house from him to her. Another time she came home and found a small safe he had brought over. It was something she had mentioned she needed to lock up ██████ medications. These unexpected and uninvited visits by Toohey prompted ██████ to change the house locks around the end of August. Toohey's unending text messages were overwhelming. She felt Toohey was trying to win her back.

This last Saturday, ██████ went to a baby shower for her friend, ██████ in ██████. A friend and neighbor drove them and they stayed for only about one hour. During that hour ██████ drank two beers. They left at four thirty. Later that evening, ██████ said she made herself a Bloody Mary at her house. She said it tasted terrible so she threw it out and headed for Santee Sports Bar (SSB) where she thinks they make great Bloody Marys. ██████ could not remember when she left for SSB or when she arrived but she knew it was late in the evening. ██████ said she called SSB before she arrived to find out if Toohey was there. She wanted to avoid him.

When she arrived at SSB, she ordered and began drinking a one pint Bloody Mary, (two glasses). ██████ said she text Toohey that she had driven drunk just to, "piss him off." A short time later Toohey

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showed up at the bar. She had not even finished her first glass. [REDACTED] said she went over and sat with Toohey who appeared frantic. He told her, "Don't you ever do that to me again." Toohey looked like he had just rolled out of the bushes. She didn't know if he had just woke up or he was drunk. They sat together for a while and [REDACTED] remembers Toohey breaking down and crying. He asked her why all this was going on, and why they could not get back together. [REDACTED] said that he was very upset. And that was the last thing she could recall until she was woken up by her son, [REDACTED] the next morning. [REDACTED] had no idea how she got home, why she was naked from the waist down, and how she had acquired a swollen black eyes and abrasions all over her. [REDACTED] could not recall ever falling down either. After she talked with [REDACTED] a few minutes, he called her other son, [REDACTED] then he left for a trip to Mexico.

[REDACTED] was suspicious that she had been sexually assaulted because her vagina and surrounding area felt sore. [REDACTED] and his girlfriend, [REDACTED] arrived a short time later and helped get her to Kaiser on Zion to be seen by a doctor. [REDACTED] told me she has "blackened out" in the past when she had been drinking with Toohey. Each time she woke up the next day and could not remember anything. [REDACTED] told me she did not think she had enough to drink to make her black out. She remembers drinking two beers at the baby shower, way earlier in the day, then one and a half glasses of Bloody Mary at the bar. She did not finish her second glass. [REDACTED] said she vaguely remembers drinking one shot of Fireball with Toohey. That was pretty much the last thing she could recall from that night.

End of interview.

After discussing with [REDACTED] the procedure for a control call to Toohey, [REDACTED] used her cell phone and called Toohey's house and cell phone at about 1439 hours. Both times the calls went to voice mail. [REDACTED] left the following on Toohey's house phone; "Hey Robert, you there? Hello, Hello, you there?" And she left the following message on his cell phone; "Hey, it's me. Give me a call back. Bye."

[REDACTED] showed me several long text messages on her cell phone from Toohey on 09-21-14 beginning at 4:57 PM: Your kids have accused me of raping you and beating the shit out of you. No sex! Even though you wanted to. You fell down several times taking me with you twice. My glasses got broke at the bar. Almost got into a fight with some dude who wanted to keep you for himself. I am pretty sure you hit your eye on your door knob when you fell the final time when I went to get your keys from your purse. You took your pants off while laying in back seat of my car. Only reason I came down the hill to get you was because you texted me saying you were gonna drive drunk Cuz you don't give a fuck! [REDACTED] says detectives will be at my house. Paid your tab last night and picked up my broken glasses. (Break) I need new glasses anyway. (Break) I was going to buy you smokes and monsters but I'm pretty much broke until payday and once again I will be nigga rich and able to help you. (Break) I will try ncall you later when I am not busy. Following those messages were three photos; two were shots of a thumb with an abrasion and one of a large leg with small abrasions. And text: My right leg. (Break) God as my witness we did not have SEX!!!! AND IF YOU FOR ONE GOD DAMN MINUTE YOU THINK THAT I WOULD EVER AND I MEAN EVER DO THAT TO YOU!!!! THEN DON'T EVER CONTACT ME AGAIN.

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█████ gave me her phone for 24 hours to be examined for evidence. I later used my camera and took photos of the above text messages and photos and downloaded them onto a disk and placed the disk into evidence at the Sheriff's P&E Unit.

█████ also gave me a large envelope of various sized pieces of paper and one key that she told me Toohey had left on her door or inside her house on different dates throughout the previous month. I later placed these items into evidence at the Sheriff's P&E Unit.

On 09-22-14 at 1620 hours I contacted █████' friend, █████ by telephone and obtained the following information. During █████ recorded statement (at 01:33:00) this phone interview with █████ was obtained and documented. This written statement is a summary and not meant to be a substitute for the recorded interview. The audibly recorded interview was later transferred onto a CD as evidence.

Statement of █████ (witness):

█████ said he was not at the bar when this incident occurred. He was at the bar, SSB, that evening between 1830 hours and 2000 hours. Later that evening, around 2300 hours, he received a text message from █████ advising him she was at SSB. The first he heard about what had happened was the following day, Sunday afternoon █████ sent him a picture of her face and black eye. █████ forwarded the photo to SSB bartender, █████, and asked her what happened. █████ text him back stating that █████ "was a mess" and fell down. █████ text that it took three people to get █████ into Toohey's car. That was all he knew about the incident. █████ advised me that SSB has several video surveillance cameras both in and outside the bar.

End of statement.

On 09-22-14 at about 1640 hours I called SSB owner, █████, and made arrangements to meet with him on 09-23-14 at about 1300 hours to review video surveillance from the night of this incident.

On 09-22-14 at about 1700 hours I contacted Sheriff's Detective M. Dasilveira at the Sheriff's Santee Station. I left █████ cell phone with him to complete a Cellebrite UFED extraction. Detective Dasilveira later advised me that Cellebrite UFED program does not support the brand and model of █████ cell phone and therefore unable to complete an extraction.

On 09-22-14 at about 1800 hours I called SSB bartender, █████, and obtained the following information. This is a summary only.

Statement of █████

█████ told me she has been working as a bartender at SSB for about ten years. She was working alone on Saturday night, 09-20-14. █████ has known both █████ and Toohey since they began dating earlier in the year. Both have been coming to the bar a lot lately. That night, █████ came in first (alone) at

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around 2300 hours. [REDACTED] did not appear to be intoxicated and she ordered a one pint container of Bloody Mary which makes two glasses. [REDACTED] was hanging out at the bar talking casually with two male customers for about one hour when Toohey entered the bar. Toohey ordered two Blue Moon beers and sat down next to [REDACTED]. Toohey and [REDACTED] seemed to be having an emotional discussion because both were a bit teary eyed. [REDACTED] caught some of their conversation overhearing that [REDACTED] was depressed and Toohey was trying to lift her spirits.

After Toohey drank the two beers, he ordered two Fireball shots and he gave one to [REDACTED]. At some point [REDACTED] walked away from Toohey and returned to talking with the two male customers. After Toohey had been there about forty-five minutes, suddenly [REDACTED] appeared to be extremely drunk. [REDACTED] described [REDACTED] as "going from zero to 100 in 45 minutes. [REDACTED] behavior was strange and even unusual for her. [REDACTED] slumped over and basically became dead weight. [REDACTED] was next to the other male customers and Toohey went over to her. Toohey grabbed her arm and tried to pull her towards the door. [REDACTED] seemed to barely move but was still on her feet. At some point one of the male customers told Toohey to leave her alone and they got into a slight argument over her.

Toohey eventually got [REDACTED] moving in the direction of the exit door but only because he was holding her up, and pulling her. [REDACTED] followed behind them as they left. Just after exiting the front door, Toohey fell forward pushing [REDACTED] to the ground, and he landed on top of her. [REDACTED] saw [REDACTED] face hit the pavement full force. At that point, Toohey struggled to get up and the two male customers came outside to help. As they lifted [REDACTED] up off the ground, [REDACTED] saw that she had injured her right eye in the fall. [REDACTED] was carried by the two males to Toohey's car and placed in the back seat. [REDACTED] said that [REDACTED] was out cold. [REDACTED] had seen [REDACTED] drunk before but never in this condition. After [REDACTED] was in Toohey's car, he drove off with her. [REDACTED] said that [REDACTED] jeans were completely on and fastened and she had her boots on when they left. [REDACTED] had carried [REDACTED] purse outside and gave it to Toohey before he left. After they were gone, [REDACTED] noticed Toohey's broken eyeglasses on the ground and she brought them inside the bar. [REDACTED] told me that Toohey did not appear intoxicated when he left. A short time later, Toohey called [REDACTED] and asked about his glasses. Toohey came in the following afternoon. He retrieved his glasses and paid the tab for that night.

End of statement.

On 09-22-14 at 2025 hours, Detective R. Roberson and I contacted Robert Toohey at the Las Colinas Detention Facility. His supervisor allowed us to talk in a private room within the facility. I spoke with Toohey and obtained the following information. Refer to Toohey's recorded statement for details. This written statement is a summary and not meant to be a substitute for the recorded interview. The audibly recorded interview was later transferred onto a CD as evidence.

Statement of Robert Lee Toohey:

Toohey told me he has known [REDACTED] for about five years. Around mid-May of this year, he went to San Felipe with [REDACTED] and they became intimate. They had a brief (three month) relationship in which he spend almost every night at her home. On August fifth, they got into an argument and [REDACTED] told

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him she just wanted to be friends. They have pretty much kept in contact with each other since, but on a protonic level.

Toohy stated that this last Saturday he received a text message from [REDACTED] around 9 PM, that said she was going to the bar and hopes someone will buy her drinks. She also text that she was going to drive drunk because "she didn't give a fuck." Toohy said that [REDACTED] had been depressed lately and has a lot of physical problems. Toohy didn't want [REDACTED] to drive drunk so he rushed down to the bar where he found her already drinking.

I asked Toohy to tell me what happened beginning with the text messages.

A: Saturday night I was at my friend's house. I went home. She had text me saying she is gonna go to the bar and hopes somebody buys her drinks.

Q: When did she text you?

A: It was nine something. I don't know, it was when I got back to my house. And then she text again at like ten minutes to eleven and said she was going to drive drunk because she didn't give a fuck.

Q: Did that worry you?

A: Well yeah because I believed her. So I hauled ass down to the bar. And sure enough she was plastered at the bar.

Q: When you went into the bar where was she?

A: She was sitting in the middle of the bar straight back from the register. And I sat at the end. Two guys were with her. I don't know, I hadn't seen them before so I didn't know who they were.

Q: Did she look like she was in a conversation with them?

A: Well, No she looked like she was disheveled and out of it. Si I ordered a beer from [REDACTED] the bartender and she said that [REDACTED] is pretty messed up. I said I know.

Q: [REDACTED] told you that right away?

A: She said she is gonna drive drunk and I'm not going to let her. So, I don't know if I went to her or if she came over to me and we started talking. And then I said, "Let's get you out of here."

Q: How long were you guys together before you said that?

A: I couldn't tell you, I don't remember.

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Q: Take a guess.

A: Not long, half an hour. I think ten minutes, she says longer, but I don't remember I was distraught.

Q: What did your conversation consist of?

A: I don't remember. I said what are you doing? She said I don't know. That's all I remember. What I did then was I said let's get you out of here. And then some guy got in my face. He said something like he was with her.

Q: The two guys that were with her?

A: Yeah but according to [REDACTED] they weren't with her.

Q: So one of the guys got into your face?

A: Yeah but I wasn't going to cause a fight in a bar. I mean, I work for the Sheriff's Department. So I said to her, let's get you out of here. She wanted to go and the guy says, she doesn't have to go, she is with me. She can drink whatever she wants. She can stay. I go well not tonight she can't. So [REDACTED] agreed. The bartender agreed. And like I said, you can talk to [REDACTED] because [REDACTED] had already fallen down twice.

Q: During the time you were with her? That half hour or so?

A: She fell down twice in the bar. I said let's get you out of here. So the two guys and me go to get her out and at one point I remember falling again, my glasses evidently got broke because these are reading glasses.

Q: You fell?

A: Yeah, I ended up, yeah because she pulled towards the door when we were trying to carry her out to the car.

Q: Ok, I'm sorry, I got a little lost.

A: Two guys, we were trying to get her out to the car at that point. The guy conceded, OK fine, he knew he wasn't going to be taking her anywhere. So we get out to the car, she doesn't want to go home she wants to get something to eat. I said 'So let's go to Santana's,' because that's where we go.

Q: So somehow you got her into the car?

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A: In the back seat of my car, she is in the back seat of my car. So then we go to Santana's. I order food. The next thing I know she has pulled off her pants, and this isn't the first time I had an issue with her doing this, because four or five years ago up in Pine Valley I had to get her a hotel room because she was drunk and she crawled into the back seat of my Silverado and peed all over it. So, that's what I thought was going to happen. But she didn't pee which was a good thing. I mean, it wouldn't have bothered me. So I said, 'Let's take you home.' And she said, 'No, I wanna go to your house.' OK fine, so I drive to Descanso.

Q: Has she gone to your house before?

A: Yeah, she has been to my house. She has a key to my house. So we drove to Descanso and I'm pretty sure my landlord has a camera that..cause, I tried to get her out of my car, it's a steep driveway, we both ended up falling down, because she is just dead weight. I go, [REDACTED] this is not going to work, I'm gonna take you home.' So I got her back into the car. I mean, I could show you the cut on my thumb and the thing on my leg but it's no big deal. Got her back in my car, drove back to her house. And at all times her house is locked, so I got her outside the car against the door by her house. She said, 'I'll be fine right here.' I said, 'I gotta get your keys.' So I go to get her keys and she falls again.

Q: Where were her keys at?

A: In her purse in the back seat of my car. She falls again, right by the front door. So, that's the time I think she hit her face on the doorknob. So I get her into the house, now mind you, her pants are still in the back seat of my car. I get her into the house. I take her into the bedroom. I get her on her bed. I go out, grab her clothes, grab her purse, put them on the thing. I go back inside to check on her and she pulls me down on the bed. And then we went to sleep. I said, 'No [REDACTED]' Because we've had this conversation before, when no is no, yes is yes, right is right and wrong is wrong. So three hours later, six o'clock I wake up, I said, [REDACTED], I'm going home.' She says, 'Call me later.' I didn't notice the black eye or anything like that at all. And I've never, ever, ever, laid a hand on her, nor would I. And she knows that. She absolutely knows that. So then I get home and I go to bed and about six hours later her kids start calling me, and threatening me. And I said, 'What the fuck are you talking about?'

Q: Did you actually talk to them?

A: Yeah.

Q: Which one?

A: [REDACTED] called me. First [REDACTED] called. [REDACTED] is [REDACTED] girlfriend, and [REDACTED] is her oldest son. [REDACTED] calls and said, 'I need to talk with you right away about [REDACTED]' So I got up. I called her right back, and she said, 'What the fuck happened to [REDACTED] eye?' I go, 'I don't know.' She said it was all black and blue. I go, [REDACTED], she fell down like six times last night, mee trying to get her from the bar to her house.' And so then she goes, 'Well her eye is all black and blue and her lip swollen.' I said, 'I'm telling you.' And [REDACTED] knows I wouldn't lay a hand on her ever 'cause I wouldn't. And I don't. I wouldn't lay a hand

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on the inmates here. I mean I've been doing this job 21 years. So then [REDACTED] calls me. He was going to Mexico with his grandfather. And so he tells me straight up, 'What the fuck happened to my mom? Why were her pants off? I go, 'She took her pants off because she got into the house, they were in my car.' He goes, 'What did you do to my mom?' I go, 'I didn't do anything to your mom.' He says, 'You better not have.' I go, 'I swear to God I did not have sex with your mom.' I mean, the last time we had sex was August first. That's the last time.

Q: Robert, I'm not concerned what [REDACTED] told you.

A: I know I'm just telling you the whole story. I'm sad, I'm mad, I'm frustrated. I'm thinking I have invested a lot into her because I believe in her talents. She's got amazing talents.

Q: She seems like a nice woman.

A: And she is just lost right now. And obviously I can't fix that.

Q: Let me get a little clearer picture so I can clear up some of the things you have told me here. When you got to the bar, you said she was at one location at the bar and you went and sat at the other?

A: At the end right inside the entrance.

Q: She was around these two other guys?

A: I don't know if there were two guys but when [REDACTED] told me, 'Can you please help get her out of here? There were two guys involved.

Q: Did [REDACTED] tell you that right when you came into the bar?

A: I don't recall when.

Q: So you don't know how long you were there before [REDACTED] told that to you?

A: It wasn't long. We weren't there long at all. I mean time wise we weren't there long at all.

Q: What was [REDACTED] demeanor when you first made contact with her in the bar?

A: Sad, disheveled, she just seemed lost.

Q: Did she seem like she was....

A: She was extremely intoxicated. Extremely.

Q: You know her better than I do.

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A: Well, here is the thing though.

Q: Well at this point, she is extremely intoxicated?

A: Yeah, to the point [REDACTED]..when I got there, [REDACTED] was upset.

Q: Right away? She told you....?

A: She said, [REDACTED] is out of it. She's totally out of it.'

Q: So when you were there, did any drinks get served to [REDACTED]?

A: I don't know, I couldn't tell ya.

Q: How about you?

A: I ordered a Blue Moon. I drank that. I had another one and I don't remember drinking any of that one, cause I needed to get her out of there.

Q: So you were dealing with her? During the time you ordered the first beer, did she fall down during the time you were drinking the first beer?

A: I don't remember if it was while I was drinking the first beer or when she got off the bar stool, I don't remember.

Q: OK, are you guys sitting together at this point?

A: No, we weren't sitting together when she fell.

Q: At any time were you sitting together?

A: Yeah I think. When she came down and sat next to me because she said I was crying.

Q: Do you remember crying?

A: I remember crying cause I don't like where she is headed.

Q: You were upset what was going on with her right?

A: Yeah.

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Q: So at some point, well, during the time you were sitting or you had her in observation, whether she was sitting down at the end of the bar or next to you, did you see her drinking?

A: Umm...not when she was next to me.

Q: Did you see her drinking at the end of the bar?

A: She was in the middle.

Q: OK, in the middle.

A: Like if you were at the register, she was like, if they had a waitress standing to the right, there's like two bars whatever, if you had a waitress station, she was right there.

Q: OK. Did you see her drinking?

A: She was drinking a Bloody Mary.

Q: OK.

A: But here's the thing...

Q: I'm trying to clear it up in my mind because I get lost sometimes. So, did she, during the time she was sitting with you or in the middle of the bar, did you see her fall down near the bar area?

A: She started to fall off her stool.

Q: Did you help her or did somebody else help her?

A: Somebody helped her.

Q: OK. And you said you drank a Blue Moon? Did you have any shots?

A: I don't remember if we drank a shot or not. I mean, normally when we are there, we drank shots. But I do not remember if we drank a shot or not.

Q: What kind of shots do you guys normally drink?

A: Fireball.

Q: And, at some point or how much time were you there when you decided it was time to take her out of there?

A: I'm gonna guess a half hour. Like I said, I don't know for sure. I don't wear a watch.

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Q: When you first went to her to try to get her into the car?

A: It took about 15 minutes of negotiating, between this guy who was in my face and her to try and get her to the car, at least.

Q: Did you, did they have to help you?

A: They carried her. One guy had her arms, almost like a firemen's carry, and the other guy grabbed her feet.

Q: Did you ever try to help her out to the car by yourself?

A: No. Not at that point.

Q: Did you ever trip on her and fall?

A: I told you, I fell at least twice.

Q: OK, well I'm trying to figure out where you fell. Was it in the bar, outside the bar?

A: Well, [REDACTED] said it was outside the doorway of the bar. Like I said I don't remember.

Q: When did you talk to [REDACTED]?

A: She called the next day. Somebody from the bar called the next day. And [REDACTED] left a message and I called back because she had my glasses and they were broke. It looked like somebody had stepped on them. She found them in the parking lot and took them inside.

Q: I want to know what you remember. I don't want to know what [REDACTED] told you.

A: I remember the two guys helping to get her to the car.

Q: You don't remember falling or anything?

A: No, I remember falling. I don't remember if it was right at the doorway of the bar the first time. And the second time I fell was at the driveway at my house...with [REDACTED]

Q: OK, well, somehow the three of you managed to get her in the back of your car?

A: Right.

Q: Was she wearing her pants then?

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A: She had her pants. What happen was, one guy put her in the left rear side and we tried to get her in and he couldn't. He went around the other side and pulled her. He lifted her legs and put her inside the car. Her pants were still on her but they were like starting cause...she wears her pants tight anyway, they were starting to fall down. But that wasn't my concern.

Q: Was she wearing shoes?

A: Here's the thing, she had her boots originally. They're like red white and blue cowboy boots. But they were not on her. Now, when I got her to her house...

Q: So they weren't on her when you put her in the car?

A: When they helped put her in the car, her boots were not on her. Her feet were barefoot. When I got back to her house, her boots were sitting outside her door. Like about four feet from the door next to the wall.

Q: Who put them there?

A: I don't know.

Q: When you got to her house, after going up to your house, her boots were...

A: Yes.

Q: So you think somebody took them from the bar and brought them home?

A: I don't know. I would have to guess that. I don't know how the boots got there because I remember when we got in the back seat of my car she was barefoot.

Q: OK, so you get in the car and she says she wants to go to your house?

A: Ah huh.

Q: What prompted you to go all the way to Descanso?

A: She said she couldn't go home or didn't want to go home.

Q: Did she say why?

A: No but here's the thing, there were times in the past because if her son is there that she doesn't want me there because it causes conflict with her son.

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Q: Which one?

A: The youngest one, [REDACTED]. So I didn't ask.

Q: Do you guys not get along?

A: No we don't because that's an entire different story. It's not because I don't care about him, it's because what he is doing to his mom.

Q: OK. So do you think she was asking you...what's your opinion, when she said let's go to your house, what was going on in your mind?

A: That she didn't want to go home.

Q: Because of [REDACTED]?

A: Well, I don't know if it was [REDACTED], I don't know if it was [REDACTED] I don't know if it was some other guy, I don't know.

Q: OK, so did you drive straight from the bar to your house?

A: No, we stopped at Santana's and got Mexican food.

Q: Santana's in...?

A: On Broadway in El Cajon.

Q: And did she get out of the car there?

A: No.

Q: And did she have her pants on at Santana's?

A: They were like half way on and then going up the hill.

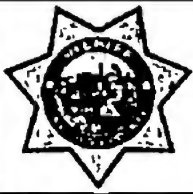
Q: What do you mean like halfway on?

A: Like if you were drunk in the back seat of a car and your pants were too tight, they were like, coming down below here. (Pointed to his thighs). And she was in the back seat laying down.

Q: Could you see her private parts?

A: At that point in time no.

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Q: But you could tell her pants were not all the way up?

A: Yeah, and then, by the time I got to my house they were off and I thought she was going to pee. Because like I said, she has done that before. I don't want to embarrass her so I'm gonna try and get her into my house.

Q: You pull up to your house, you get out of the car, and you open up the back door?

A: The right rear door and pull her out.

Q: Did you tell her, 'Hey we are here?'

A: She knew we were there. So we started to walk and she is dead weight again. And like I said it's a dirt...she is out of the car and she is dead weight. I got her like...first it's gravel and dirt and then it goes to cement. It's a steep driveway. My landlord has a camera at the end of the driveway that records all the time. At one point she pulled, we both fell. I landed on my hands, I scraped my leg, I got up and go, 'This is not working, I'm just gonna take you home, I will deal with the kid then.' If that is what it was. I don't know. Because if he is there, there is no way she wants me there because it causes conflict.

Q: So when you are getting her back in the car, what are the condition of her pants, at that point?

A: They were off already.

Q: They were completely off?

A: They were completely off. They stayed off.

Q: Did you tell her to put them back on?

A: No, she was just out of it. So I just said my best option is to get her home. Just get her home and call it a night.

Q: So that is what you decided to do?

A: Yes.

Q: So you got her back in the car?

A: Yes.

Q: Drove all the way back to her place?

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A: Yes.

Q: Make any stops?

A: No, straight there.

Q: Didn't have to get gas or anything?

A: Nope.

Q: So you get to her house. Did you park in her spot?

A: Yes. I pulled her out of the car. Because normally she leaves her house unlocked. I go to the front door. I'm holding her at this point. And I lean her against the wall and I go to unlock the door and it's locked. I go, [REDACTED], I need to get the keys.' And she goes, 'I'm fine.' And she is still swinging. So I turn around. And no sooner that I turn around and I go to the passenger side to get her purse, she falls down.

Q: OK, so the door is locked? The screen is locked?

A: Yes. Do you want me to show you, I can show you.

Q: No.

A: The door opens to the left, it is a security screen door. She is to the right of it. My car is in the space. She is up against the wall. She has her back to the wall below the window to her house, and I held her there and told her I need to get the keys, because I checked and it was locked. And no sooner that I turn around and she goes, 'Bam.' She falls to the ground.

Q: She falls forward?

A: She falls to the right. She is against the wall. She falls to the right. The door knob would have been her and she went down to the ground. She said, 'Ouch.'

Q: You didn't notice she hurt herself?

A: No, had I noticed, had I noticed she was black and blue, that she had hurt her eye, A, I wouldn't have left at six o'clock, B, I would have treated her then, and then I personally would have taken her to the hospital. I didn't know any of that then.

Q: So, you get her into the house?

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A: Well at first I get her on the couch, then I go straight to the bedroom, because I'm basically carrying her because she is dead weight. I get her onto the bed, I go out, I grab her pants, I grab her purse, I throw them on the couch. I go back into the bedroom and sat down and she pulled me towards her. She says, 'Come here.'

Q: She is sitting on the bed?

A: No, she is laying on the bed.

Q: Covered up?

A: No, she is not covered up. So at that point I laid down next to her and she pulled me towards her. I covered her up with a blanket and we both went to sleep.

Q: Did she say anything to you?

A: No, she tried to pull me towards her but I said, 'No, not now [REDACTED]' And we both went to sleep. Like I said, I woke up at six o'clock, I said, [REDACTED], 'I'm going home,' and she says, 'OK, call me later.' And I went home.

Q: When she pulled you towards her, did she say that she wanted you to leave?

A: No. She didn't want me to leave. She tried to kiss me.

Q: Did she say she wanted to have sex with you?

A: No, she didn't say anything. She just tried kissing me and touching me.

Q: Where was she touching you?

A: First on my shoulder, then on my, right here, (pointed to the middle of his abdomen).

Q: Did she touch your private parts?

A: No. Not that I remember, but like I said, at that point, we both went to sleep.

Q: I'm going to ask you straight up, did you have so much to drink that there is a reason you do not remember?

A: No.

Q: You just can't remember because?

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A: No, I went to a BBQ. I had been drinking. I'm not going to deny that at all. But, I didn't have sex with her.

Q: That's not my question. I question was, had you had so much to drink that she don't remember? Because you told me you don't remember a couple of times.

A: I don't remember exactly where I fell the first time, but I know where I fell the second time.

Q: But your memory is not because you had too much to drink?

A: I had a lot to drink, I'm not going to deny that.

Q: OK, let's go through that. Let's talk about that. You went to a BBQ that day?

A: Yes.

Q: Where was the BBQ?

A: My friend's house.

Q: Who is your friend?

A: [REDACTED] They live in [REDACTED]. She was celebrating her birthday weekend.

Q: During the time you were at their house, how much did you have to drink?

A: Three Estellas, because I brought a six pack over for her boyfriend. We each had three and then I had four shots of Fireball.

Q: And that was what time to what time?

A: From, I got there about six, six-thirty, till about ten.

Q: Until you started getting text messages?

A: I didn't get those until I got to my house, because there is no cell service in Quatay.

Q: So that is what you had to drink. You left there and you went to your house. You started to get the text messages and you went to the bar?

A: I got the text saying she was going to drive drunk and she didn't give a fuck. I still have the text.

Q: And how much did you have at the bar?

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A: I ordered two Blue Moons that I remember.

Q: You don't remember doing any shots or anything?

A: No.

Q: Did you buy any drinks for her?

A: No, but I paid her whole tab the next day.

Q: The next day?

A: Yeah, because they said she still owes a tab from last night.

Q: So when you talked to [REDACTED] the next day, was that in person?

A: No, original it was on the phone. Because she left a message on my phone because she had my glasses and they were broke, and she said that [REDACTED] still had an open tab. So when I did the food run for the team, I stopped by there, picked up my glasses, and I paid [REDACTED] tab.

Q: And how much was it?

A: Forty-three dollars. It was for two Bloody Marys, two double Fireballs, and two single Fireballs.

Q: So it was both of your tabs?

A: Yes.

Q: And when you were back at the house, what time do you think you got to the house? Because remember you left the bar, you went to your place...?

A: I'm going to guess but the time we got into bed it was around, I guess three o'clock. I'm going to guess, I could be totally wrong. I don't wear a watch. And I can't see crap without my glasses.

Q: I have to ask you some personal questions. During the time you were with [REDACTED], from the first at San Filipe till you decided to leave the house, how many times did you have sex with her?

A: Um...three months, 15 or 20.

Q: OK, and was that consensual every single time?

A: Every single time.

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Q: Had she ever been drinking? Had both of you been drinking?

A: Oh no, there were times when both of us had been drinking and she couldn't remember and she would say, 'Did you at least get laid?' and I told her no. She asked why and I told her, "Because you were drunk." First you say yes, then you say no. And to me, no means no. When somebody says no, I don't care what it is. Whether you are with them or not.

Q: Do you know of any medical conditions that [REDACTED] has?

A: She has a bunch.

Q: What is your understanding?

A: The latest one? She now has [REDACTED]. She has [REDACTED]. She has [REDACTED]. She takes [REDACTED] at least. I've taken her to the doctor. I've taken her to the emergency room.

Q: Were you ever concerned last night when she was falling over that this might not be an alcohol thing, it might be a medical issue?

A: With her, I have no clue. The other times it's happened, like I said I've known her five years, it's always been alcohol.

Q: OK, so have you ever seen her in the same condition she was in Saturday night?

A: Yes.

Q: That bad?

A: Yes, but not to that. I've carried her before. She has fallen down before. It's not the first time it has happened. We went to a dinner one time, it was a celebration of life for a friend of ours in Descanso. It was during the day and she was hammered. We put her in the back seat of her car. We told her to sleep it off for a while. Her kids were there. She decided to get up. She came inside and fell. She split her head open and we took her to the hospital.

Q: When you woke up Sunday morning and decided to leave, why did you leave?

A: Because nobody was there. She was safe. I wasn't going to have sex with her. I was still fully dressed. I said I'm going to go home and told her I would talk to her later. She said, "I'll see you later."

Q: Did you have to work Sunday night? I was just wondering since you only got three hours of sleep.

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A: I worked Sunday night, I went home and went back to sleep. I didn't even watch any football. I went straight to work.

Q: You are laying with this woman. She doesn't have any pants on?

A: I've been laying with her naked for three and a half months.

Q: I'm just asking you. Were you interested in having sex with her?

A: I'm always interested in having sex with her.

Q: So why didn't you?

A: Because she was out of it. Because we had conversations before. She says, when we are together, we need to take care of each other. The next thing you know she is drunk. When she is drunk, I didn't do it. She says, 'Well why didn't you?' I said, 'Because you were drunk. That's why I didn't do it.'

Q: When she has been drinking, can you tell the difference between when she has had a little bit and becomes a little amorous to when she has had a lot to drink and she is just sloppy? You know her. Can you tell the difference?

A: Um...

Q: OK, how do you tell the difference? How do you tell that she is at the point where she is just too drunk and it's not going to be fun?

A: She was a mess. She was a mess more so than not. Therefore I didn't. Like I said, it didn't happen.

Q: When was the last time you did have sex?

A: August first.

Q: The very last time?

A: The last time we had sex. Don't ask me where because I won't tell you.

Q: When you had sex in the past, or does she take birth control pills or did you wear a condom?

A: No and no. She can't have any more kids.

Q: You don't worry about sexually transmitted diseases?

A: I do but I trust her. Maybe I shouldn't. I'll be honest, maybe I shouldn't but I did.

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



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Q: Going back to when you are lying in bed with her. She has no pants on. What are you wearing?

A: A blue Hawaiian shirt and a black t-shirt.

Q: Would there be any reason there would have been any kind of fluid exchange between you and her?

A: Nope.

Q: If there is a fluid exchange, how are you going to explain that?

A: I'm not going to explain that because there isn't.

Q: So there would be no way that happened?

A: Nope.

Q: No way that happened?

A: No way in hell that happened. I'm telling you straight up right now there was not a fluid exchange between me and her.

Q: Because you didn't have any kind of sex?

A: No sex. There's no fluid exchange.

Q: Was there any kind of oral sex?

A: Nope.

Q: Was there any kind of touching?

A: There was touching. She touched me here and here (pointed to his chest and abdomen) and I cupped her breast.

Q: Over her clothes?

A: Under her clothes, her shirt was half off. Her shirt was half off and we were like snuggling. I pulled the blanket over her and my hand was right there and we went to sleep.

Q: Like spooning?

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A: Yeah, that was it, I was almost falling off the bed. It's a small bed in case you haven't seen it. We didn't have sex. I know that for a fact. I'm 100 percent positive.

Toohey went on to say that he had been talking with [REDACTED] all that day trying to explain to her that nothing happened between them and he did not have sex with her. Toohey admitted to me that he had been driving drunk that night (at 39:00 on tape). He told me he had never looked at [REDACTED] face that morning before leaving and did not know she had been injured. Toohey showed me text messages on his cell phone from [REDACTED] son [REDACTED] asking him what had happened to her.

I asked Toohey about him providing [REDACTED] with marijuana. At first he didn't want to talk about it and declined to state where he got it. Shortly thereafter he said, "Why did we do this? We were stupid. He has a medical marijuana card." And, "I just got it for him."

End of interview.

On 09-23-14 at about 1110 hours I retrieved [REDACTED] SART evidence from IFS and prepared it to be submitted to the Sheriff's Crime Lab. I also arranged to have [REDACTED] re-examined to obtain additional evidence not collected during the first examination due to her being too sore.

On 09-23-14 at about 1400 hours, I contacted SSB owner [REDACTED] at the bar, 9261 Mission Gorge Road in Santee. [REDACTED] was not present during this incident but had reviewed the tape of the incident. [REDACTED] could not download what had been captured on the video surveillance cameras. While we reviewed the taped portions of the incident, I used my camera and videotaped the reviewed portions, which showed the following:

[REDACTED] entered SSB alone at about 2245 hours on 09-20-14. As she ordered her drink and casually walked throughout the bar talking with several other customers, she did not appear to be intoxicated. At about 2317 hours, Toohey entered the bar alone and ordered drinks from the bartender. Toohey and [REDACTED] sat together during the majority of the time they were there. At about 0035 hours, [REDACTED] can be seen slumping over the bar and she appeared extremely intoxicated. Toohey goes to her, holds her arm and attempts to pull her away from the bar. One of the male customers nearby tries to step between Toohey and [REDACTED] preventing Toohey from pulling [REDACTED] away. There is no audio on the tape therefore it is unknown what is being said. After several attempts of Toohey pulling at [REDACTED], he manages to get her to the front door and they exit at about 0046 hours on 09-21-14. Toohey has [REDACTED] facing away from him and he is holding her up with his arms around her upper body and waist.

At this point, [REDACTED] switches to the outside camera which shows Toohey falling forward onto the pavement, pushing [REDACTED] face forward where she strikes her face on the ground as he falls on top of her. Toohey rolls over onto his back and struggles to upright himself. As Toohey gets to his knees, the two male customers exit the bar and attempt to get [REDACTED] onto her feet. She appears almost lifeless, and barely moving. [REDACTED] is lifted by the two male customers in a modified firemen's type of position and carried over to Toohey's vehicle, a silver [REDACTED] [REDACTED] is placed in the back seat on her

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back. Her jeans appear to be properly pulled up at the waist, and she is wearing her boots. [REDACTED] hands [REDACTED] purse to Toohey and he drives away.

[REDACTED] held up the bars land line, (# [REDACTED]). The memory list shows a call being received from Toohey's cell phone, (# [REDACTED]) at 1:03 AM on 09-21-14.

I later downloaded the video and photo of the above onto a disk and placed it into evidence at the Sheriff's P&E Unit.

On 09-23-14 at about 1450 hours, I met with [REDACTED] at IFS and returned her cell phone to her. RN [REDACTED] performed the follow-up SART exam with [REDACTED]

On 09-23-14 at about 1330 hours, Detective R. Roberson (#4750) and Detective L. Hurtado (#4975) contacted Toohey at his residence in Descanso, [REDACTED] and his landlord, [REDACTED]. Detective Roberson documented those contacts in his follow-up report, (See attached). [REDACTED] provided a portion of taped surveillance that was captured between the late hours of 09-20-14 and the early morning hours of 09-21-14. Toohey provided his cell phone, allowing it to be downloaded and reviewed. Toohey also voluntarily gave a DNA sample, oral reference. Later that evening, Toohey called and demanded his cell phone be returned to him immediately. Due to the time constraints, we were unable to retrieve information from his cell phone and it was returned to him by Detective Roberson.

On 09-26-14, I completed a search warrant affidavit and search warrant for items within Toohey's residence, his current rental car, and his cell phone. Superior Court Judge Herbert J. Exarhos signed the order (warrant #E2014-475).

On 09-26-14 I called Toohey and made arrangements to meet with him at the Sheriff's Alpine Station on 09-30-14.

On 09-26-14 at about 1500 hours, I was contacted by victim [REDACTED] and advised she had located a possible witness, [REDACTED], and she gave me his contact information. I called [REDACTED] and left a message for him to call me back.

On 09-30-14 at about 1100 hours, I met with Toohey at the Sheriff's Alpine Station. I spoke with Toohey briefly in a private meeting room. Toohey gave his cell phone to me. He told me that he had returned the [REDACTED] back to Enterprise Car Rental Center in Santee on 09-29-14. On my request, Detective A. Meleen (#4961) responded to the Enterprise Rental Center and located the vehicle Toohey had returned. Detective Meleen had the Chevy towed by the Sheriff's Property Unit to the Crime Lab to be searched and processed, (See attached follow-up report by Detective Meleen).

After I contacted Toohey and seized his cell phone the following Sheriff's personnel accompanied me to Toohey's residence to conduct a search per the signed warrant; Sergeant Fred Magaña (#2829),

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Detectives Tim Dinger (#2078) and Robert Roberson (#4750). We arrived at 1144 hours, (CAD#E1992205).

Toohey had voluntarily provided his residence keys for us to gain entry and the following items were seized from his residence:

One handwritten letter addressed to [REDACTED], one VHS tape, one Sheriff's Identification card, two Motorola computer components (battery back-up devices), numerous handwritten and typed notes, several printed JIMS inmate information sheets, one set of Sheriff's waist chains, two pair of Sheriff's handcuffs, and one pair of brass knuckles. Before exiting the residence, a copy of the Receipt and Inventory, and a copy of the Search Warrant was left on a chair near the front door. I took numerous photographs of the overall condition of the residence before and after the execution of the warrant.

On 09-30-14 at 1500 hours, I completed an extraction on Toohey's cell phone, (a Droid RAZR HD, model #XT926), at RCFL, and downloaded the report to a disk. After review, the disk was entered into evidence at the Sheriff's P&E Unit.

On 09-30-14 at 1650 hours, I contacted Toohey by phone and made arrangements for him to meet with me at the Sheriff's Alpine Station to return his phone back to him, which took place at 1800 hours.

On 10-02-14 I learned from Data Services that several Sheriff's deputies had attempted or did gain access to the original crime report in NetRMS on this case. I spoke with deputies W. Brecheisen (#2564), Y. Nease (#3877), and P. Vail (#0606) individually by phone. Each had a reasonable explanation as to why they had opened and or reviewed the crime report. I do not believe that Toohey had any hand in their actions or that this case was compromised in any way.

On 10-02-14 at 1900 hours I contacted witness [REDACTED] by telephone and obtained the following information. This written statement is a summary and not meant to be a substitute for the recorded interview. The audibly recorded interview was later transferred onto a CD as evidence.

Statement of [REDACTED]:

[REDACTED] told me he lives in the same condo complex as [REDACTED] but he had not met her until several days after this incident. Recently they struck up a conversation in the alley while [REDACTED] was walking her dog and they realized he had [REDACTED] had come into contact with [REDACTED] and Toohey during the early morning hours of 09-21-14. At about 0200 hours, [REDACTED] heard a man yelling in the alley. This went on for about 20 minutes. [REDACTED] went outside to find out what was happening. [REDACTED] found Toohey standing in the open doorway of a silver vehicle and he was yelling at [REDACTED] who was lying on the back seat. Toohey was trying to get [REDACTED] out of the car but she was not responding. [REDACTED] immediately asked Toohey what was wrong. Toohey told [REDACTED] that he needed to get [REDACTED] into the house but she was drunk and not getting up. [REDACTED] told me that he has had some prior EMT training and he thought that [REDACTED] was not breathing. [REDACTED] reached into the car and checked [REDACTED] for a pulse and she was breathing. [REDACTED] reeked of alcohol but did have a pulse and was breathing. Due

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to [REDACTED] lack of response, [REDACTED] feared that she had alcohol poisoning and told Toohey that he needed to call 911. Toohey told [REDACTED] that he was a deputy Sheriff and he knew best, that she just needed to sleep it off. [REDACTED] said he argued with Toohey for over half an hour trying to convince him to call 911 and get [REDACTED] medical help but Toohey refused and continued to attempt to pull [REDACTED] out of his car.

[REDACTED] eventually gave in to Toohey and tried to help him get [REDACTED] out of the back seat. After many failed attempts, Toohey finally gave up and said he would take her to his house. Toohey then tried to slam the back seat door shut but it struck one of [REDACTED] legs. Toohey pushed her leg inside the car, got into the driver seat and drove away. I asked [REDACTED] what if anything [REDACTED] was wearing. He described a pink t-shirt, a pair of jeans and white socks. I asked [REDACTED] if [REDACTED] jeans were pulled up to her waist. He recalled that her jeans appeared slightly below her waist but not open or showing any of her groin area. [REDACTED] did recall seeing a pair of women's boots near her front door. I asked [REDACTED] if Toohey appeared intoxicated to him. [REDACTED] said that Toohey was not slurring his words or staggering but did have a very strong odor of alcohol emitting from his person. At the time of this incident, [REDACTED] had never met either Toohey or [REDACTED]

End of statement.

On 10-03-14 I received the Laboratory Service Report from Criminalist Cathy Chang. She had completed a vehicle examination on Toohey's Enterprise rental car, a [REDACTED] California license [REDACTED]. The results showed that semen was not detected in the interior of the vehicle. For additional details, see the attached report by Chang. I also completed and faxed to the Sheriff's Property Unit one EVID-3 form, Property Release, and Enterprise Rental Center was advised they could retrieve their vehicle.

On 10-03-14 I entered the license number of Toohey's rental vehicle, ([REDACTED]) into Vigilant Solutions License Plate Reader system. That license plate had been recorded several times over the last year but not during the days before, during or after this incident.

On 10-14-14 I spoke with Sheriff's Department Criminalist Stephen Lu by telephone and was advised he had been assigned to this case and expected to take two to three weeks to complete the DNA process of the submitted evidence.

On 10-15-14 at about 1100 hours, I met with San Diego Deputy District Attorney Fiona Khalil at the Hall of Justice to discuss this case. She determined this case should be assigned to the El Cajon office when completed.

On 10-23-14, I contacted Criminalist Stephen Lu for an update on the DNA evidence. Lu advised me that all but the bed sheets had been processed and no semen or male saliva had been detected.

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On 10-24-14, I met with Deputy District Attorney Kerry Conway. We discussed the case and she reviewed the initial reports. Conway advised she would review the case again after the final lab reports had been submitted.

On 11-04-14 I received Lu's final approved report, (See attached), which indicated no semen or male saliva had been detected on any of the items submitted for processing.

Evidence:

See the Property and Evidence list in NetRMS for complete list of evidence in this case.

Case Disposition:

This case is being submitted to the District Attorney's Office, El Cajon Branch, for review. The incident occurred in the City of Santee, in the County of San Diego, State of California.

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San Diego County Sheriff's Department Officer Report

CAD Event No

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Report No 34360

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GENERAL CASE INFORMATION

Special Studies		Related Cases	
Location, City, State, ZIP		Occurred On	
[REDACTED]		9/22/2014 8:15:00 PM (Monday)	
Jurisdiction	Beat	Call Source	(and Between)
City of Santee - SANTEE	513		9/21/2014 1:00:00 PM

INDIVIDUAL/S

Name		Person Code		Interpreter Language	
Toohey, Robert Lee					
Home Address, City, State, ZIP				County Residence	
[REDACTED]				R Resident	
Race	Sex	Date of Birth / Age	Height	Weight	Complexion
W	M	[REDACTED]			
Employment Status		Occupation/Grade	Employer/School	Employer Address, City, State, ZIP	
E - Employed		Deputy	San Diego Sheriff	9000 Cottonwood Ave. Santee, CA 92071	

CONTACT INFORMATION

Type	Number/Address
MP - Mobile Phone	[REDACTED]

IDENTIFICATION

Type	Number	State	Country
DLN - Drivers License Number	[REDACTED]	CA - California	
Altire	Injury	Extent Of Treatment	Violent Crime Circumstances

REPORT NARRATIVE

Investigative follow up:

This is a supplemental investigative report to Det. Shands report. On 9-22-14 at about 1800 hours, I was assigned to assist Det. Shands with the investigation involving Robert Toohey. We arrived at the victim's home at [REDACTED] for a follow up interview. Det. Shands also wanted to attempt a controlled call between Robert and [REDACTED] (see her report for further).

At about 2015 hours, Det. Shands and I arrived at Las Colinas Detention Facility to speak with Robert about the case. The on duty Sgt. Ross escorted us through the facility to a place where we could speak with Robert. Sgt. Ross took us to a conference room where we waited for Robert. When Robert arrived, he was cooperative with us. He agreed to talk to us after Det. Shands told him that he was not obligated to talk to us (see her report for interview details).

On 9-23-14 at about 1330 hours, Det. Hurtado and I drove to [REDACTED] to obtain a DNA mouth swab from Robert and possibly obtain the video surveillance from his landlord's driveway which would have shown the time Robert and [REDACTED] arrived at the house on the morning of 9-21-14.

The landlord, [REDACTED], was not home at that time. Robert lives [REDACTED] house I was not sure if Robert was home at that time. I knocked on the door. A few moments later, Robert answered the door. It was obvious that he had just woken up. I knew he had worked the previous night. I asked Robert if I could obtain a mouth swab from him and he agreed. I went back to my car to obtain the mouth swab kit. I activated my department issued digital recorder to record the conversation between us. The recording was later transcribed to disc and placed into evidence.

Robert explained to me again how he and [REDACTED] arrived at the house in his car. He parked at the end of the driveway under a tree. That is where he parked all the time. He tried to walk her up to his door, but they fell. He said, "we made it to the driveway then I ate shit." He decided to take her home.

Robert showed me some injuries he had sustained from the fall. He had sustained some scratches on his right leg. He sustained a scratch on his arm from [REDACTED] when she fell. He also sustained an abrasion on his left thumb. I took photos of the injuries with my camera.

Robert again said, "I didn't have sex with her. I've known her for over five years. I didn't have sex with her." Robert allowed me to swab the inside of his mouth for a DNA reference sample.

Reporting Officer	Division / Organization	Reviewed By
SH4750 - ROBERSON III, ROBERT	SAU / FPD - Family Protection Detail	SH2585 - TING III, DARWIN
Report Date	Detective Assigned	Reviewed Date
9/25/2014 8:20:16 AM	SH1062 - SHANDS, LAURA	9/29/2014 3:37:38 PM



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Robert then told us about an incident about a week earlier where [REDACTED] had called him on his cell phone from the Santee Sports Bar. She explained to Robert that [REDACTED] was there and that she was "falling down drunk". Robert obtained permission from his on duty Sergeant at that time to "help out a friend." He left LCDF and drove to the bar. When he got there, someone else had taken her home. He did not know who had taken her home at that time.

Det. Hurtado and I left the residence. We started to drive away when I forgot to ask Robert for permission to take his cell phone and download it utilizing a Cellbrite machine. I called Robert and asked him for permission. Robert told me to go ahead and come back to the residence to get the phone. His only request was to give the phone back to him before his shift later that night.

I activated my Department issued digital recorder prior to arriving at the residence. We arrived at around 1400 hours. I knocked on the door and Robert answered. He handed me his cell phone. Robert then asked me if I wanted to listen to messages from [REDACTED] on his house phone. My recorder was already recording.

One message was from the following Sunday afternoon after the incident. The message was time stamped on his house phone at 1:51PM. The message said, "Hello? Hello? Alright call me back." The next message was at 2:16pm "Hey Robert, are you there it's [REDACTED] Hello? Hello? Wake up? All right, give me a call when you wake up." [REDACTED] did not sound accusatory or scared in the message. Det. Hurtado and I left the residence with the cell phone. I later released the cell phone to Det. Shands.

On 9-23-14 at about 1847 hours, I met Robert at the Santee Sheriff Station and released his cell phone back to him. I activated my recorder during that conversation. Robert had just been placed on administrative leave about 30 minutes prior. He did not tell me anything of evidentiary value during the conversation.

On 9-25-14 at about 1030 hours, Det. Hurtado and I arrived back at [REDACTED] to obtain a copy of the video surveillance from [REDACTED] house the morning Robert claimed to have come home. [REDACTED] allowed us inside his home. He was unable to make a CD copy of the surveillance prior to our arrival. However he allowed Det. Hurtado to use a thumb drive to attempt to transfer the files to the thumb drive.

I used my digital camera to record the footage from the Saturday into Sunday. The footage was grainy. The cameras are motion activated. They do not record constantly. [REDACTED] advised me that cameras only start recording when something triggers the sensor. If something is not large enough to trigger the sensor or not close enough to trigger the sensor, the camera will not record.

The first video was dated 9-21-14. At 0148 hours, a vehicle pulled into the parking space where Robert claims to always park. I could not make out the exact model of the car or any descriptors. I could not make out any driver's or passengers, if any. However, this was consistent with Robert's statement that he arrived home around 2 or 3 am from the Santee Sports bar with [REDACTED] inside the car with him. The car is never seen leaving in the video. It is possible that the sensor was not triggered again. The camera then jumps to 0535 hours.

While watching the first video, I recalled Robert stating that he exited his car while carrying [REDACTED]. He stated he reached the end of the driveway before falling down again. That was when he decided to take [REDACTED] back to the car and take her home to Santee.

The camera jumped to the time of 0535 hours. The vehicle is not seen in the video. Although there is not evidence to support a definitive answer, it is possible that Robert never made it past the driveway as he told us in his interview. If he had been carrying [REDACTED] and took her into his house, the camera would have recorded him walking up the driveway.

The camera then jumps to 0626 hours. It appeared to now be daylight in the video. The vehicle shows Robert's vehicle pulling into the parking spot at the end of the driveway. Robert is then seen walking up the driveway past the surveillance camera towards his front door. This was consistent with his statement about leaving [REDACTED] house in the morning around 0600 hours.

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Report Date 9/25/2014 8:20:16 AM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 9/29/2014 3:37:38 PM



**San Diego County Sheriff's Department
Officer Report**

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The camera then jumps to 244PM, then to 515PM. At that time, Robert is seen on video leaving the property. He walked down the driveway towards his car. It appeared that he was going to work. He was wearing long pants and dark boots. That was also the night that Det. Shands and I arrived at LCDF to interview Robert about the incident. The vehicle left the property.

Det. Hurtado and I left the property. I released all the recordings to Det. Shands. This concluded my involvement with the case at this time.

Reporting Officer SH4750 - ROBERSON III, ROBERT	Division / Organization SAU / FPD - Family Protection Detail	Reviewed By SH2585 - TING III, DARWIN
Report Date 9/25/2014 6:20:16 AM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 9/29/2014 3:37:38 PM

San Diego County Sheriff's Department Impound Report

Impound No.: 19825

Impound Date: 10/2/2014 12:07:42 PM

Case No.: 14148298

CAD Event No.: E1992205

GENERAL IMPOUND INFORMATION

Notice(s) of SV Sent	Notice(s) Sent On	Notice(s) Sent By
Location Towed/Recovered From 8795 Cuyamaca Street		CSZ Towed/Recovered From Santee, CA 92071
Jurisdiction City of Santee - SANTEE		Beal 501
Location Stolen From		CSZ Stolen From

STORAGE DETAIL

Tow Company Name: Sheriff's Crime Lab		
Storage Location: 5255 Mt. Etna Dr		CSZ Storage Location: San Diego, CA 92117
Storage Authority 22655.5 (b) VC - Vehicle is or contains evidence		Storage Officer ID SH4961 - MELEEN, AARON
Release to Owner Authorized Yes	Release Authorized By: SH1062 - SHANDS, LAURA	
Released Date: 9/30/2014	Agency Hold: No	Drivable: Yes

VEHICLE INFORMATION

Property Type: Automobile/Light Truck (not Stolen or Recovered)			
Odometer Reading:	Plate Clear in SVS Yes	Plate Number:	No. of Plates: 2
License State: CA	Plate Type: Regular Passenger Auto	Registration Expires (MO/YR) Apr 2015	
VIN Clear in SVS: Yes	VIN	Engine Number:	
Year: 2013	Make: Chevrolet	Model: Impala	
Style: Sedan, 4-door, automobile	Color 1: Silver or Aluminum	Color 2:	Appraised Value:
Condition: Misc Dents or Scratches.			

Vehicle Tires/Wheels						
Left Front	Right Front	Left Rear	Right Rear	Spare	Hub Caps	Special Wheels

Item Identification	
Item	ID
Vehicle Damage	
Identifying Marks	Vehicle Damage Graphic
Security Items	
Vehicle Damage Notes	

INVENTORY

Inventory Officer SH4961 - MELEEN, AARON	Inventory Date/Time 9/30/2014 1:00:00 PM	Inventory Witness Techs, Crime Lab
Inventory Notes		

San Diego County Sheriff's Department Impound Report

Impound No.: 19825

Impound Date: 10/2/2014 12:07:42 PM

Case No.: 14148298

CAD Event No.: E1992205

OTHER ENTITIES									
Other Entity #1									
Name [E] [REDACTED]			Entity Type Legal Owner - Business		Person Code				
Home Address, City, State, ZIP [REDACTED]				Res. Country UNITED STATES		Place of Birth		Undocumented	
Race		Sex	Date of Birth / Age		Height	Weight	Hair Color	Eye Color	Facial Hair
Employment Status		Occupation/Grade		Employer/School		Employer Address, City, State, ZIP			
CONTACT INFORMATION									
IDENTIFICATION									
Injury					Extent of Treatment				
REPORT NARRATIVE									

Origin:

On 9/30/14 I assisted Detective Shands #1062 with the execution of a search warrant.

Deputy's Observations and Actions:

I initially responded with Detective Shands to the Alpine Sheriff's Station, located at 2751 Alpine Boulevard, in the city of Alpine. My responsibility was to take possession of a 2013 Chevrolet Impala, California License Plate [REDACTED] and VIN [REDACTED]. Upon arrival at the Alpine Sheriff's Station, it was determined that the suspect, Robert Toohey, was no longer in possession of the vehicle. Toohey told Detective Shands that he returned the vehicle to Enterprise Rent-a-Car in Santee on 9/29/14.

I drove to the Enterprise Rent-a-Car in Santee, located at 8795 Cuyamaca Street, in the city of Santee. Upon arrival, I could see the white Chevrolet Impala parked in the back parking lot. I went inside and contacted the manager [REDACTED]. [REDACTED] confirmed with me that the vehicle was returned to this location on 9/29/14 and that no one had driven it since it was returned. Additionally, I was told that the vehicle had not been cleaned. I gave [REDACTED] a copy of the search warrant and took possession of the vehicle.

SDSO Property and Evidence Custodian Flavio Alfaro met me at the Enterprise Rent-a-Car and towed the vehicle to the SDSO Regional Crime Lab. Upon arrival at the crime lab, I was met by Forensic Evidence Technician Laura Anzelone. Anzelone and her partner photographed and processed the vehicle. Upon completion of the processing of the vehicle, I was told that no semen was identified. I then parked the vehicle in a parking stall at the SDSO Regional Crime Lab. I secured the vehicle and called [REDACTED] at Enterprise Rent-a-Car and informed him that they could come and pick up the vehicle. [REDACTED] and I agreed that I would take the key for the vehicle to the Enterprise Rent-a-Car at 7993 Balboa Avenue, in the city of San Diego. At approximately 1530 hours, I dropped off the key to the manager and she said she would call the Santee Enterprise Rent-a-Car to coordinate the pick up of the vehicle.

I later contacted Sheriff's Teletype to have the vehicle entered into the SVS as an impounded vehicle.



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CAD Event No E1969765

Case No 14148298

Primary Victim

Report No 14148298.1

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GENERAL CASE INFORMATION

Primary Charge 261 (A)(3) - PC - RAPE OF DRUGGED VIC (F)			
Special Studies		Related Cases	
Location, City, State, ZIP		Occurred On 09/20/2014 18:00:00 (Saturday)	
Jurisdiction City of Santee - SANTEE		Beat 503	Call Source ADMIN
Means		Motives (and Between) 09/21/2014 13:00:00 (Sunday)	

VICTIMS

Victim #1



Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer
Name	Victim Type I - Individual			Interpreter Language EN - English

ALIAS / AKA / NICKNAME / MONIKER				
Name Type	First	Middle	Last	Suffix

Victim Of 261 (A)(3) - PC - RAPE OF DRUGGED VIC (F)				County Residence R - Resident	
Home Address, City, State, ZIP				Res Country US	
Place of Birth				Undocumented	
Race	Sex	Date of Birth / Age	Height	Weight	Hair Color
					Eye Color
Facial Hair		Complexion			
Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP		

CONTACT INFORMATION	
Type MP - Mobile Phone	Number/Address
Type MP - Mobile Phone	Number/Address

IDENTIFICATION	
Type CI - Identification	Number
Type	State
	Country US
	Country

Altitude	Injury M - Apparent Minor Injury	Extent of Treatment 03 - Hospital	Violent Crime Circumstances
----------	----------------------------------	-----------------------------------	-----------------------------

LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION	Type	Type Activity	Type Assignment
VICTIM OFFENDER RELATIONSHIPS	Offender S1 - Toohey, Robert	Relationship BG - Victim Was Boyfriend/Girlfriend	

Reporting Officer SH5015 - GASTRICH, HILARY	Division / Organization Santee Station SANTEE PATROL	Reviewed By SH2219 - HALE, DAVID
Report Date 9/22/2014 5:38:16 AM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 09/22/2014 15:54:18



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IBR/UCR OFFENSE/S

Offense Description 261 (A)(3) - PC - RAPE OF DRUGGED VIC (F)	Level F	Against PE	Completed? Yes	Counts	Using
Location Type 204	Male/Bias 88 - None (No Bias)	Domestic Violence Yes			
Criminal Activity	Type/Security	Gang Related No	Entry	Point of Entry	
Weapons/Force 40 - Personal Weapons (Threats, Hands, Fists, Feet, etc.)	Tools	Targets RES11 - Person			

ARRESTEE/S

SUSPECT/S (Not Yet Arrested)

Suspect #1

Name Toohey, Robert		County Residence R - Resident		Interpreter Language EN - English	
ALIAS / AKA / NICKNAME / MONIKER					
Name Type		First		Middle	
Home Address, City, State, ZIP		Res. Country US		Place of Birth	
Race W	Sex M	Date of Birth / Age 45	Height 6' 0"	Weight 300 lbs	Eye Color BRO
Hair Style		Hair Length		Build FAT - Heavy	
Employment Status E - Employed		Occupation/Grade		Employer/School	
CONTACT INFORMATION					
Type		Number/Address			
IDENTIFICATION					
Type		Number		State	
SCARS MARKS TATTOOS ODDITIES					
Attire black shirt, hawaiian shorts		Suspect Actions 07 - Had Been Drinking 42 - Knew Victim or Victim's Name 27 - Inflicted Injury			

WITNESSES

OTHER ENTITIES

Other Entity #1

Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer
Name		Entity Type OT - Other	Person Code	County Residence R - Resident
ALIAS / AKA / NICKNAME / MONIKER				
Name Type		First		Middle
Home Address, City, State, ZIP		Res. Country US		Place of Birth
Race	Sex	Date of Birth / Age	Height	Weight
Employment Status		Occupation/Grade		Employer/School
CONTACT INFORMATION				
Type MP - Mobile Phone		Number/Address		

Reporting Officer SH5015 - GASTRICH, HILARY	Division / Organization Santee Station SANTEE PATROL	Reviewed By SH2219 - HALE, DAVID
Report Date 9/22/2014 5:38:16 AM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 09/22/2014 15:54:18



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CAD Event No **E1969765**Case No **14148298**

Primary Victim [REDACTED]

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IDENTIFICATION			
Type DLN - Drivers License	Number [REDACTED]	State CA	Country US
Injury N - None	Extent of Treatment 01 - None		

Other Entity #2

Person Code <input type="checkbox"/> Secured Premise <input type="checkbox"/> Discovered Crime <input type="checkbox"/> Reporting Party <input type="checkbox"/> Law Enforcement Officer <input type="checkbox"/>			
Name [REDACTED]	Entity Type OT - Other	Person Code [REDACTED]	County Residence [REDACTED]

ALIAS / AKA / NICKNAME / MONIKER									
Name Type	First	Middle	Last	Suffix					
Home Address, City, State, ZIP [REDACTED]					Res. Country US	Place of Birth	Undocumented	Interpreter Language EN - English	
Race M	Sex M	Date of Birth / Age [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair Color [REDACTED]	Eye Color [REDACTED]	Facial Hair [REDACTED]	Complexion [REDACTED]	
Employment Status E	Occupation/Grade [REDACTED]	Employer/School [REDACTED]		Employer Address, City, State, ZIP [REDACTED]					

CONTACT INFORMATION	
Type MP - Mobile Phone	Number/Address [REDACTED]

IDENTIFICATION			
Type DLN - Drivers License	Number [REDACTED]	State CA	Country US
Type SSN - SSN	Number [REDACTED]	State	Country
Injury	Extent of Treatment		

Other Entity #3

Person Code <input type="checkbox"/> Secured Premise <input type="checkbox"/> Discovered Crime <input type="checkbox"/> Reporting Party <input checked="" type="checkbox"/> Law Enforcement Officer <input type="checkbox"/>			
Name [REDACTED]	Entity Type [REDACTED]	Person Code [REDACTED]	County Residence [REDACTED]

ALIAS / AKA / NICKNAME / MONIKER									
Name Type	First	Middle	Last	Suffix					
Home Address, City, State, ZIP [REDACTED]					Res. Country	Place of Birth	Undocumented	Interpreter Language EN - English	
Race M	Sex M	Date of Birth / Age [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair Color [REDACTED]	Eye Color [REDACTED]	Facial Hair [REDACTED]	Complexion [REDACTED]	
Employment Status E	Occupation/Grade [REDACTED]	Employer/School [REDACTED]		Employer Address, City, State, ZIP [REDACTED]					

CONTACT INFORMATION	
Type WP - Work Phone	Number/Address [REDACTED]

IDENTIFICATION			
Type	Number	State	Country
Injury N - None	Extent of Treatment 01 - None		

PROPERTY**REPORT NARRATIVE****Synopsis:**

Reporting Officer SH5015 - GASTRICH, HILARY	Division / Organization Santee Station SANTEE PATROL	Reviewed By SH2219 - HALE, DAVID
Report Date 9/22/2014 5:38:16 AM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 09/22/2014 15:54:18



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Primary Victim [REDACTED]

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I contacted [REDACTED] at Kaiser Hospital in reference to a possible rape she believes was committed sometime between 9/20/14 at 1800 hours and 9/21/14 at 1300 hours in Santee. [REDACTED] alleges the suspect is her ex-boyfriend, Robert Toohey. [REDACTED] remembers being at the Santee Sports Bar with Robert on the evening of 09/20/14 and does not have any other memory until 9/21/14 at about 1300 hours. [REDACTED] stated she and Robert were drinking, she "blacked out," and Robert took her home. [REDACTED] awoke the next day with bruises on both her knees and her left elbow, and a black right eye. [REDACTED] also complained of soreness in her inner thighs. [REDACTED] stated when she woke up in her bed she had no pants on. The pants and boots she had on the previous night were located in the living room. For the above mentioned reasons, [REDACTED] alleges Robert raped her and caused the bruising to her right eye. [REDACTED] also alleges Robert is "stalking" her and sending her several text messages.

Detective Shands #1062 was notified of the incident and responded for a follow-up investigation. [REDACTED] consented to a SART exam.

Robert was not contacted at the time of my investigation. There are no known witnesses.

Origin:

On 09/21/14 at approximately 1520 hours, I received a radio call in reference to a possible rape at Kaiser Hospital located at 4647 Zion Avenue in San Diego. (CAD #E1969765)

Background:

[REDACTED] and Robert were in a dating relationship for approximately three months. The two broke up about three to four weeks ago (08/25/14). They share no children. [REDACTED] states there have been no prior incidents of domestic violence. [REDACTED] believes Robert is "stalking" her. He has been harassing her through text messages and fearing for her safety, [REDACTED] had the locks changed on her house.

Investigation:

Upon arrival at Kaiser Hospital, I spoke with the reporting party, [REDACTED], and took her statement.

Statements:

Statement of [REDACTED] ([REDACTED] / Reporting Party):

[REDACTED] stated she is a registered nurse at Kaiser and was the nurse assigned to treating [REDACTED]. She stated [REDACTED] arrived at the Kaiser Emergency Room to be treated for injuries to her right eye and knees and to be evaluated for any other injuries. In talking with [REDACTED], [REDACTED] stated [REDACTED] told her she was at the Santee Sports Bar with her ex-boyfriend and he took her home. [REDACTED] son went to check on her the next day and noticed his mom's eye and knees were bruised. [REDACTED] told her she woke up without any pants on and believes her ex-boyfriend raped her. [REDACTED] then contacted the authorities and had no further information.

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Primary Victim [REDACTED]

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Investigation (cont.)

I then contacted [REDACTED]. She gave me the following statement.

Statement of [REDACTED] (Victim):

[REDACTED] stated she had been at a baby shower earlier in the day and had two beers, but could not provide an exact time. She then left the baby shower, went home briefly, and arrived at the Santee Sports Bar sometime in the evening hours while it was still light out; sometime between 1800-1900 hours. [REDACTED] stated she remembered having one drink and one shot with her ex-boyfriend, Robert Toohey, at the bar. [REDACTED] does not remember if Robert came to the bar on his own or if she texted him to meet up with her. The two had a conversation and Robert began crying and begging [REDACTED] to take him back. There was no one else talking with the two.

The next thing [REDACTED] remembers is her son waking her up in bed at about 1300 hours on 09/21/14. [REDACTED] had no pants or boots on and stated she never wears underwear. The pants and boots she had on the previous evening were in the living room. [REDACTED] had bruising on both knees, her left elbow, and right eye. [REDACTED] complained of soreness in her inner thighs. [REDACTED] stated her vehicle was still at Santee Sports Bar and believes Robert drove her home. She believes she "blacked out" while drinking and because of her injuries, Robert raped her. [REDACTED] said it is not a normal occurrence for her to black out while drinking.

[REDACTED] stated she and Robert were in a dating relationship for approximately three months and broke up about three to four weeks ago (08/25/14). Robert is a Deputy Sheriff with the San Diego County Sheriff's Department and is currently assigned to the Las Colinas Detention and Reentry Facility. Since the two broke up, Robert has been "stalking" [REDACTED]. She believes Robert has made copies of her house keys which she did not give him permission to do. [REDACTED] said she believes he has let himself into her house on several occasions when he did not have permission. [REDACTED] has found items in her house that she did not recognize and Robert would text her asking if she found the items; leading her to believe he had been in her house. [REDACTED] specifically stated she awoke one morning to a key on the pillow next to her that was not there when she went to bed. She then received text messages from Robert asking if she got the key. Robert has also sent her text messages of screen shots from [REDACTED] cell phone. [REDACTED] had never shown Robert private messages from her cell phones, leading her to believe Robert had gone through her cell phone on unknown occasions. [REDACTED] has saved all voicemails and text messages on her cell phone for evidence.

[REDACTED] was treated at Kaiser Zion and consented to a SART exam if needed.

Investigation (cont.)

[REDACTED] could not remember many specific details due to "blacking out." She had several crying episodes during our contact.

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I took photographs of [REDACTED] injuries. I put on latex gloves and collected [REDACTED] cell phone, bra and shirt that she had been wearing on the night of the incident and placed them into a paper bag as evidence. I was unable to review [REDACTED] cell phone for text messages or voicemails due to the battery being drained.

I contacted Sgt. Lawrence #2424 and notified her of the incident. Sgt. Lawrence made all the appropriate notifications. I was then contacted by Detective Shands and briefed her on the incident. Since [REDACTED] consented to the SART exam, Detective Shands requested [REDACTED] and I meet her at Independent Forensic Services for the exam. [REDACTED] son, [REDACTED], drove her to Independent Forensic Services. I met with Detective Shands and turned over all evidence to her. I attached the photographs to my report. I did not contact Robert at the time of this report.

On 09/22/14 at about 1030 hours, I went to Santee Sports Bar to obtain the surveillance video. The employee on shift said she could not access the video and would have her supervisor contact me when he came on shift. I observed [REDACTED] vehicle still in the parking lot. I took pictures of the vehicle and attached them to this report.

Evidence:

Turned over to Detective Shands

Injuries:

Black right eye, bruising to knees and left elbow, pain in inner thighs. [REDACTED] was treated by Dr. [REDACTED] at Kaiser Hospital.

Property Damage:

None

Follow-up:

To be determined by the Sexual Assault Detective.

Related Reports:

PAT-28

Follow-up report by Detective Shands

Reporting Officer SH5015 - GASTRICH, HILARY	Division / Organization Santee Station SANTEE PATROL	Reviewed By SH2219 - HALE, DAVID
Report Date 9/22/2014 5:38:16 AM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 09/22/2014 15:54:18

(

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

415 off duty Bar
she pushed him &
he fell over fence

ABC showed up &
arrested 2 people

[REDACTED]

09/10/10

SAN LEO SHERIFFS DEPARTMENT

History of Inmate

JIM: [REDACTED] JIM Name: [REDACTED]

Names

Last Name	First	Middle	Suffix	Type
[REDACTED]	[REDACTED]			JIM
[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]

Additional Numbers

Type Description

JIM: [REDACTED]

CII: [REDACTED]

FBI: [REDACTED]

AFIS: [REDACTED]

[REDACTED]

DLN: [REDACTED]

SSN: [REDACTED]

DOB: [REDACTED] Des.: [REDACTED] Sex: [REDACTED] Hgt: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eye: [REDACTED]

Skin: [REDACTED] Glasses: [REDACTED] POB: [REDACTED] Citizen: US SSN: - -

Home Address

[REDACTED] [REDACTED] [REDACTED]
 [REDACTED] [REDACTED] [REDACTED]
 [REDACTED] [REDACTED] [REDACTED]

Night Phone: [REDACTED] Ext: [REDACTED]

Employment Address

[REDACTED] [REDACTED] [REDACTED]
 [REDACTED] [REDACTED] [REDACTED]
 [REDACTED] [REDACTED] [REDACTED] US
 Day Phone: [REDACTED] Ext: [REDACTED]
 Occupation: [REDACTED]

Night Phone: [REDACTED] Ext: [REDACTED]

Evidence #21

SAN DIEGO SHERIFFS DEPARTMENT

History of Inmate

JIM: [REDACTED] JIM Name: [REDACTED]

Booking & Arrest Summary

JIM: [REDACTED] Book #: [REDACTED] Book Name(L,F,M,S): [REDACTED]
 Book Dt/Tm: [REDACTED] Release Dt/Tm: [REDACTED] Release Type: [REDACTED]

Warrants Check: Initial: C By: ABOURQSH, BOURQUE Dt/Tm: 09-13-2014 0229 Time Served:
 Release: C By: ABOURQSH, BOURQUE Dt/Tm: 09-13-2014 0230 2 dy

Arr #	Event #	Arresting Agency	Arrest Dt/Tm	Max Class	Type
1		[REDACTED]	[REDACTED]	M	ARST

Hold Agency:
 Arresting Officer: [REDACTED]

Notes: 849B2

Location of Arrest: [REDACTED]

Arrest Time Served: 2 dy

Chg #	Charge Code/Codes	Court	Court Dt/Tm	Document #	ROC	Flag	Bond	
							Amount	Type
1)	[REDACTED]					B	\$0.00	

OCN: [REDACTED] Warrant #: [REDACTED] Releaseable Status: [REDACTED] Y

CL: M

Notes:

Disposition Dt/Tm: 09-13-2014 0230

Subtotal Arr# 1: \$0.00
 Grand Total \$0.00

EVIDENCE #1

SAN LEO SHERIFFS DEPARTMENT

History of Inmate

JIM: [REDACTED] JIM Name: [REDACTED]

Names

Last Name	First	Middle	Suffix	Type
[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]

Additional Numbers

Type Description

JIM: [REDACTED]
 CII: [REDACTED]
 FBI: [REDACTED]
 AFIS: [REDACTED]
 [REDACTED]
 DLN: [REDACTED]
 SSN: [REDACTED]

DOB: [REDACTED] Des.: [REDACTED] Sex: [REDACTED] Hgt: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eye: [REDACTED]
 Skin: [REDACTED] Glasses: [REDACTED] POB: [REDACTED] Citizen: [REDACTED] SSN: [REDACTED]

Home Address

[REDACTED]
 [REDACTED]
 Day Phone: [REDACTED] Ext: [REDACTED] Night Phone: [REDACTED] Ext: [REDACTED]

Employment Address

[REDACTED]
 [REDACTED]
 [REDACTED], CA [REDACTED] US
 Day Phone: (000) 000-0000 Ext: [REDACTED] Night Phone: [REDACTED] Ext: [REDACTED]
 Occupation: [REDACTED]

Emergency Contact Address

[REDACTED]
 [REDACTED]
 CA US
 Day Phone: [REDACTED] Ext: [REDACTED] Night Phone: [REDACTED] Ext: [REDACTED]
 Occupation: [REDACTED]

EVIDENCE #21

SAN LEO SHERIFFS DEPARTMENT

History of Inmate

JIM: [REDACTED] JIM Name: [REDACTED]

Booking & Arrest Summary

JIM: [REDACTED] Book #: [REDACTED] Book Name(L,F,M,S): [REDACTED]
 Book Dt/Tm: [REDACTED] Release Dt/Tm: [REDACTED] Release Type: [REDACTED]

Warrants Check: Initial: C By: [REDACTED] Dt/Tm: 09-13-2014 0231 Time Served:
 Release: C By: [REDACTED] Dt/Tm: 09-13-2014 0232 2 dy

Arr #	Event #	Arresting Agency	Arrest Dt/Tm	Max Class	Type
1	[REDACTED]	[REDACTED]	[REDACTED]	M	ARST

Hold Agency:
 Arresting Officer: [REDACTED]

Notes: [REDACTED]
 Location of Arrest: [REDACTED]

Arrest Time Served: [REDACTED]

Chg #	Charge Code/Codes	Court	Court Dt/Tm	Document #	ROC	Flag	Bond Amount	Type
1)	[REDACTED]					B	\$0.00	

OCN: [REDACTED] Warrant #: [REDACTED] Releaseable Status: [REDACTED] Y

CL: M

Notes: [REDACTED]
 Disposition Dt/Tm: [REDACTED]

Subtotal Arr# 1: \$0.00

EVIDENCE #21

SAN DIEGO SHERIFFS DEPARTMENT

History of Inmate

JIM: [REDACTED] JIM Name: [REDACTED]

Booking & Arrest Summary

JIM: [REDACTED] Book #: [REDACTED] Book Name(L,F,M,S): [REDACTED]
 Book Dt/Tm: [REDACTED] Release Dt/Tm: [REDACTED] Release Type: [REDACTED]
 Warrants Check: Initial: C By: [REDACTED] Dt/Tm: [REDACTED] Time Served: [REDACTED]
 Release: C By: [REDACTED] Dt/Tm: [REDACTED] dy

Arr #	Event #	Arresting Agency	Arrest Dt/Tm	Max Class	Type
1		[REDACTED]	[REDACTED]	M	[REDACTED]

Hold Agency: [REDACTED]
 Arresting Officer: [REDACTED]

Location of Arrest: [REDACTED]

Arrest Time Served: [REDACTED]

Chg #	Charge Code/Codes	Court	Court Dt/Tm	Document #	ROC	Flag	Bond Amount	Type
1)	[REDACTED]			[REDACTED]			\$0.00	

OCN: [REDACTED] Warrant #: [REDACTED] Releaseable Status: CTS Y
 Sentence: Yrs: [REDACTED] Mos: [REDACTED] Days: [REDACTED] Hrs: 96.
 Adjusted Charge Code/Codes: [REDACTED] CL: M

Notes: [REDACTED]
 Disposition Dt/Tm: [REDACTED]

2)	[REDACTED]			[REDACTED]			\$0.00	
----	------------	--	--	------------	--	--	--------	--

OCN: [REDACTED] Warrant #: [REDACTED] Releaseable Status: [REDACTED] Y
 Sentence: Yrs: [REDACTED] Mos: [REDACTED] Days: [REDACTED] Hrs: 96.
 Adjusted Charge Code/Codes: [REDACTED] CL: M

Notes: [REDACTED]
 Disposition Dt/Tm: [REDACTED]

EVIDENCE #21

SAN JOSE SHERIFFS DEPARTMENT

History of Inmate

JIM: [REDACTED] JIM Name: [REDACTED]

Booking & Arrest Summary

JIM: [REDACTED] Book #: [REDACTED] Book Name(L,F,M,S): [REDACTED]
 Book Dt/Tm: [REDACTED] Release Dt/Tm: [REDACTED] Release Type: [REDACTED]

Warrants Check: Initial: C By: [REDACTED] Dt/Tm: [REDACTED]

Release: C By: [REDACTED] Dt/Tm: [REDACTED]

Arr #	Event #	Arresting Agency	Arrest Dt/Tm	Max Class	Type
1	[REDACTED]	SD [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Hold Agency: [REDACTED]
 Arresting Officer: [REDACTED]

Notes: [REDACTED]

Location of Arrest: [REDACTED]

Arrest Time Served: [REDACTED]

Chg #	Charge Code/Codes	Court	Court Dt/Tm	Document #	ROC	Flag	Bond	
							Amount	Type
1)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	ARR	Y	[REDACTED]	[REDACTED]

OCN: [REDACTED] Warrant #: [REDACTED] Releaseable Status: BOND [REDACTED]

CL: [REDACTED]

Notes:

Disposition Dt/Tm: [REDACTED]

1)	[REDACTED]	ELC	[REDACTED]	ARR	[REDACTED]	[REDACTED]
----	------------	-----	------------	-----	------------	------------

OCN: [REDACTED] Warrant #: [REDACTED] Releaseable Status: BOND [REDACTED]

CL: [REDACTED]

Notes:

Disposition Dt/Tm: [REDACTED]

Subtotal Arr# 1: [REDACTED]

EVIDENCE #21

SAN LEO SHERIFFS DEPARTMENT

History of Inmate

JIM: [REDACTED] JIM Name: [REDACTED]

Booking & Arrest Summary

JIM: [REDACTED] Book #: [REDACTED] Book Name(L,F,M,S): [REDACTED]
 Book Dt/Tm: [REDACTED] Release Dt/Tm: [REDACTED] Release Type: [REDACTED]

Warrants Check: Initial: D By: [REDACTED] Dt/Tm: [REDACTED] Time Served: [REDACTED]
 Release: C By: [REDACTED] Dt/Tm: [REDACTED] 1 dy

Arr #	Event #	Arresting Agency	Arrest Dt/Tm	Max Class	Type
1		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Hold Agency: [REDACTED]
 Arresting Officer: [REDACTED]

Notes: [REDACTED]
 Location of Arrest: [REDACTED]

Arrest Time Served: [REDACTED]

Chg #	Charge Code/Codes	Court	Court Dt/Tm	Document #	ROC	Flag	Bond	
							Amount	Type
1)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	ARR	[REDACTED]	\$0.00	

OCN: [REDACTED] Warrant #: [REDACTED] Releaseable Status: [REDACTED]

CL: [REDACTED]

Notes: [REDACTED]
 Disposition Dt/Tm: [REDACTED]

Subtotal Arr# 1: \$0.00

EVIVE#21



JIMS - [REDACTED]

San Diego County Sheriff

Money on books

JIMS# : 100081844

Page: 1 of 1

Effective Date:

01-JAN-2014 00:00

TO 28-AUG-2014 23:59



Run Date: 29-AUG-2014

Run Time: 20:21

Note: This report was designed for investigative purposes only. Due to the fact that provider names are entered into the system in a "free text format" the search results may be incomplete

12#
JIMANEZ

JIMS # :

Name:

Booknum:

Transact Type:

Provider Lname:

Fname:

Mname:

[REDACTED]	Inm Deposit	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Inm Deposit	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Online Deposit	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Online Deposit	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Online Deposit	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Online Deposit	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Online Deposit	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Online Deposit	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Online Deposit	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Inm Deposit	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Total per inmate:

Total per report:

SAN (GO SHERIFFS DEPARTME

Account Activity

	Total Amount by Transaction Type
FINREL / FINAL RELEASE OF INMATE FUNDS	[REDACTED]
INDEP / INMATE CASH DEPOSIT	[REDACTED]
NTAKE / INTAKE OF FUNDS FROM PRE-BOOKING PERSONAL PROPERTY SCREEN	\$ [REDACTED]
MEDPAY / MEDICAL CO-PAY	[REDACTED]
Transaction Total:	(\$0.00)



SHERIFF
COUNTY OF SAN DIEGO



ROBBY STORTON

Sergeant - Detentions

WM B Koler

WM B KOLENDER, SHERIFF

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Sex M Height 5-11 Weight 233

Hair BRN Eyes BRN D.O.B. [REDACTED]

CCW Authorized YES Expires N/A

Robert L. Tinker 5896
Signature Employee No

This card is the property of the Sheriff's Department and
must be rendered upon termination of employment.

If Found, please drop in any U.S. Mailbox
P.O. Box 478000, San Diego, CA 92147-8000

DATE	DESCRIPTION	AMOUNT
04/14	MEXICAN FOOD	12.00
04/21	COSTCO- FLOWERS, CONTAINERS, FIREBALL AND CASH	90.00
04/24	COFFEE	6.00
04/25	99 CENT STORE CRAFT SUPPLIES	32.00
04/26	CHEVRON GAS	11.00
04/27	7-11 SMOKES	6.00
04/27	COTIJAS - [REDACTED] AND YOU	28.00
04/27	SSB - YOU INSIST ON STOPPING TO SEE [REDACTED]	7.00 —
05/07	BUY BIRTH CERTIFICATE TO GO TO SAN FELIPE	28.00
05/08	CIRCLE K GAS	70.00
05/08	CHEVRON GAS	24.00
05/08	PERFUME AT THE BORDER	20.00
05/08	SOUVENIRS IN SAN FELIPE	31.00
05/08	[REDACTED] FOR LUNCH YOU ME AND [REDACTED]	26.00
05/09	LUNCH AT MEXICAN RESTAURANT	27.00
05/09	CASH TO [REDACTED] FOR [REDACTED] RIDING QUADS AND EXPENSES	100.00
05/10	LUNCH FOR THE FAMILY	46.00
05/11	GROCERIES AND BEERS	57.00
05/11	DINNER AND DRINKS	74.00
05/11	CASH TO [REDACTED]	30.00
05/13	[REDACTED] LUNCH	28.00
05/13	PEMEX GAS	80.00
05/13	USA GAS	37.05
05/13	ALBERTSONS FOR DINNER	24.00
05/14	OISHII SUSHI	33.00
05/14	TOLL FEES TO GO TO GBDF FOR YOUR BUDDY [REDACTED]	7.00
05/14	SSB YOU AND ME	31.00 —
05/14	ALBERTSONS GROCERIES AND MONSTERS	37.00
05/15	ALBERTSONS FIREBALL AND GROCERIES	— 47.00
05/15	<u>BEGAN STAYING AT YOUR HOUSE WHEN RETURN FROM SAN FELIPE</u>	00.00
05/15	ALBERTSONS GROCERIES	30.00
05/15	COSTCO FLOWERS AND GROCERIES	44.00
05/16	LA CARRETTA FOR DINNER PARTY	65.00
05/17	CASH SO YOU CAN BUY FOOD FOR BBQ AT [REDACTED]	40.00
05/17	FIREBALL FOR [REDACTED] PARTY	— 24.00
05/19	ALBERTSONS FIREBALL	— 24.00
05/20	TACO BELL FOR [REDACTED]	7.00
05/22	COSTCO FOR GROCERIES AND SHELVES ALSO TO THE EMERGENCY ROOM	189.00
05/22	PANDA EXPRESS	24.00
05/22	ALBERTSONS	25.00
05/23	ALBERTSONS	72.00
05/23	ALBERTSONS	64.00
05/23	YOU GAVE ME CASH TOWARDS GROCERIES	-60.00
05/24	STARBUCKS	6.00
05/24	ALBERTSONS FOR [REDACTED] AND [REDACTED] HOUSE WARMING GIFT	38.00
05/24	POKER PARTY WITH THE KIDS	20.00

DATE	DESCRIPTION	AMOUNT
05/25	SSB YOU AND ME	9.00
05/26	MEDS FOR [REDACTED] BACK	20.00
05/27	ALBERTSONS	57.00
05/27	BLACK ANGUS DINNER	60.00
05/28	FLOOR SHAMPOOER	40.00
05/28	WALMART FOR CLEANING SUPPLIES	28.00
05/28	BUY LAPTOP AND GAVE TO [REDACTED] AND SHE LATER PAID YOU	80.00
05/29	ALBERTSONS MONSTERS	18.00
05/29	OISHII SUSHI YOU AND [REDACTED]	50.00
05/31	BOUGHT THE BRAD PAISLEY TICKETS	165.00
05/31	BOLL WEEVIL [REDACTED] AND YOU	70.00
06/01	CASH FOR YOU TO PAY [REDACTED] OR FUCKING [REDACTED]	300.00
06/02	ACE HARDWARE MORE SHELVES TO SUPPORT YOUR CRAFT BUSINESS	54.00
06/04	USA GAS	50.00
06/04	MIMI'S CAFÉ	34.00
06/05	7-11 SMOKES	7.00
06/06	TAKKA SUSHI AND YOU TEXT [REDACTED] THE WHOLE TIME SAYING THIS IS LAME	40.00
06/07	GARAGE SALE YOUR NEIGHBORS HOUSE	7.00
06/08	BUFFALO WILD WINGS BIRTHDAY PARTY YOU COORDINATED	120.00
06/10	HOME DEPOT	23.00
06/11	CIRCLE K GAS AND SMOKES	27.00
06/12	CASH TO YOU BECAUSE YOU SPENT ON GROCERIES	100.00
06/12	JOES CRAB SHACK	110.00
06/15	TACO BELL	10.00
06/15	LA PALAPPA FATHERS DAY WITH KIDS	88.00
06/16	ALBERTSONS FOR YOU AND [REDACTED]	23.00
06/17	B.J.S RESTAURANT WITH MY COWORKERS	77.00
06/17	ALBERTSONS FIREBALL	24.00
06/18	ALBERTSONS FOR YOU AND [REDACTED]	43.00
06/18	PADRE PARKING	15.00
06/18	PADRE EXPENSES AND YOU TEXTING [REDACTED] THE WHOLE TIME	32.00
06/19	MEXICAN FOOD WHILE [REDACTED] AT COUNSELOR	10.00
06/19	SSB YOU AND ME	69.00
06/19	VILLAGE INN AND YOU LEFT PHONE AT SSB	11.00
06/19	JACK IN THE BOX FOR [REDACTED]	4.00
06/20	HOME DEPOT RAT TRAPS	10.00
06/20	ARCO FOR [REDACTED] SMOKES AND BEERS	14.00
06/20	ALBERTSONS FOR [REDACTED] HE HAVING TYPICAL FUCKING MELTDOWN	22.00
06/21	JACK IN THE BOX THEN TO E.R. WITH [REDACTED] BECAUSE HE OVERDOSED	8.00
06/21	HOME DEPOT TO REPAIR DAMAGES CAUSED BY [REDACTED]	28.00
06/22	TOOK [REDACTED] SMOKES AT HOSPITAL	12.00
06/24	WE PICK UP [REDACTED] AND GO TO CHINA BUFFET	51.00
06/25	MOBIL GAS FOR YOU	35.00
06/25	JACK IN THE BOX FOR [REDACTED]	8.00
06/25	YOU AND ME TO SSB AND YOUR FUCK BUDDY [REDACTED] IS THERE	125.00
06/25	JACK IN THE BOX	7.00

DATE	DESCRIPTION	AMOUNT
06/25	SSB JUKEBOX	15.00
06/28	SSB YOU AND ME	91.00
06/28	IN AND OUT	7.00
07/03	STARBUCKS	5.00
07/03	CASH TOWARDS RENT	500.00
07/03	DEL MAR FAIR WITH [REDACTED] AND [REDACTED]	140.00
07/04	ALBERTSONS GROCERIES	153.00
07/05	CAR WASH FOURRUNNER	10.00
07/05	DEL TACO	5.00
07/06	MICHAELS	7.00
07/06	ALBERTSONS	43.00
07/06	SSB YOU AND ME	24.00
07/08	LA PALAPA	40.00
07/08	CIRCLE K SMOKES	9.00
07/08	SSB YOU AND ME	112.00
07/10	SSB BEFORE BRAD PAISLEY CONCERT	20.00
07/10	CONCERT PARKING HAT AND BEERS BEFORE GETTING KICKED OUT	121.00
07/10	ALBERTSONS AND DEL TACO	50.00
07/11	JACK IN THE BOX	10.00
07/15	COSTCO GROCERIES	114.00
07/16	RANCHO VIEJO	17.00
07/17	HOME DEPOT BATH LIGHTS	18.00
07/17	ALBERTSONS	34.00
07/17	CHILIS FOR DINNER	32.00
07/18	GAVE 20.00 BUCKS TO PICK UP DRY CLEANING	14.00
07/18	SSB	15.00
07/19	GAVE HER BAG OF CHANGE	58.50
07/19	SSB	25.00
07/19	HOME DEPOT	32.00
07/19	CASH TO BUY SMOKES AT CIRCLE K	20.00
07/19	ALBERTSONS GROCERIES	39.00
07/20	HOME DEPOT TO FIX TOILET PROPANE AND GLAZING	44.00
07/20	SEA WORLD	33.00
07/20	BOLL WEEVIL	28.00
07/22	SSB YOU AND ME AND MUSIC FOR THE JUKEBOX	65.00
07/26	LA PALAPA (I WAS HOME FOR TIME OUT)	40.00
07/26	ALBERTSONS FIREBALL	43.00
07/28	CASH FOR YOU TO GET GAS	40.00
07/28	SSB YOU AND ME	120.00
07/30	BLACK ANGUS WITH THE KIDS AND [REDACTED]	154.00
07/30	SSB YOU AND ME	46.00
07/31	HOME DEPOT	40.00
07/31	SANDWICH BAGS FOR LUNCH	20.00
07/31	USA GAS FOURRUNNER	30.05
07/31	SMOKES FOR YOU AND [REDACTED]	9.00
07/31	OGGIS PIZZA	50.00

DATE	DESCRIPTION	AMOUNT
07/31	CASH BECAUSE YOU ARE BROKE	40.00
08/01	HOME DEPOT	11.00
08/01	ALBERTSONS	44.00
08/01	FLOWERS FOR [REDACTED]	10.00
08/01	SOUP PLANTATION	30.00
08/03	SSB YOU AND ME	65.00
08/03	MICHAELS AND YOU WERE DRUNK AND AGAIN BLAME ME	56.00
08/03	THE LIBRARY	32.00
08/03	JACK IN THE BOX	8.00
08/03	SSB AGAIN	33.00
08/03	JACK IN THE BOX YOU AND [REDACTED]	16.00
08/03	ALBERTSONS FIREBALL AND GROCERIES	46.00
08/05	<u>YOU ORCHESTRATED BIG FIGHT SAME DAY YOU GOT NIGGER RICH 2600.00</u>	
08/06	CARLS JR FOR YOU AND YOU CHANGE THE LOCKS	9.00
08/11	BOUGHT YOU A SAFE FOR MEDICATIONS	120.00
08/14	MILES FOR [REDACTED]	50.00
08/14	COSTCO SALMON AND CREAMER	26.00
08/14	WEED FOR KID	30.00
08/14	SSB MUSIC YOU THERE WITH [REDACTED]	15.00
08/17	<u>YOU AT SSB HAMMERED WITH [REDACTED]</u>	
08/18	<u>TRUCK GETS TOWED AND YOU BLAME ME</u>	
08/23	CIRCLE K SMOKES	10.00
08/27	ALBERTSONS MONSTERS	5.00
08/27	ALBERTSONS WATER	8.00
08/28	CIRCLE K SMOKES	10.00
08/29	BOUGHT HER PIZZA AND WENT SWIMMING	25.00
09/02	CIRCLE K SMOKES	9.00
09/03	CIRCLE K SMOKES AND MONSTERS	14.00
09/03	SSB YOU ME AND [REDACTED]	105.00
09/06	BLAKE SHELTON CONCERT AND NO [REDACTED]	
09/07	SANTANAS	13.00
09/08	CIRCLE K SMOKES AND MONSTERS	14.00
09/10	PAID YOU AND [REDACTED] FINES	935.77
09/12	CIRCLE K SMOKES AND MONSTERS	14.00
09/14	CIRCLE K SMOKES AND MONSTERS	14.00
09/15	SANTANAS AND SHE IS PASSED OUT ON THE FLOOR DRUNK	13.00
09/16	GAS TO DRIVE HER ALL OVER TRYING TO GET HER LICENSE	40.00
09/16	ALBERTSONS TOILET PAPER	7.50
09/16	DEL TACO	8.00
09/17	EL CAJON PD	150.00
09/17	C & d TOWING	1645.00
09/17	HAPPY CAR WASH	14.99
09/17	EL REAL LUNCH	14.00
09/20	CIRCLE K MONSTERS	5.00

DATE	DESCRIPTION	AMOUNT
APRIL	TOTAL SPENT	192.00
MAY	TOTAL SPENT	2076.05
JUNE	TOTAL SPENT	1701.00
JULY	TOTAL SPENT	2479.55
AUG	TOTAL SPENT	659.00
SEPT	TOTAL SPENT	3016.26
	<u>Grand total</u>	<u>10123.86</u>

NOW I AM FULLY AWARE THAT I BENEFITED FROM THE MONEY I SPENT AND WHEN YOU ARE DATING THAT'S WHAT PEOPLE DO. I DON'T CARE ABOUT THE MONEY BUT WHAT SUCKS IS THE LIES. YOU TELL SOME OF YOUR FRIENDS I AM GOOD TO YOU AND TAKE VERY GOOD CARE OF YOU THEN YOU TURN RIGHT AROUND AND LIE SAYING ITS MY FAULT YOUR TRUCK GOT TOWED (TICKET WAS FROM LAST FUCKING YEAR)

YOU TELL [REDACTED] I STAYED THERE 3 MONTHS AND ONLY GAVE YOU 500.00 WHY WOULD YOU DO THAT.

And you say you want to know what he said the other night. Ok here you go. He said he knows you are still in love with him and obsessed with him but he has told you over and over to fuck off and you just don't get it. He said if you were standing right there with me and him he would tell you to your face to fuck off. He said all you do and all you have ever done is tell lies.

Thanks again for the memories

HE STAYED HERE FOR 3 MONTHS AND ONLY
GAVE ME \$500.00 DOLLARS.

MON APR 14	MEXICAN FOOD	12.00	
MON APR 21	FLOWERS, CONTAINERS, F.B. CASH	90.00	(COSTED)
THUR APR 24	COFFEE	6.00	
FRI APR 25	99¢ STORE CRAFTS	32.00	
SAT APR 26	CHEVRON CIGS.	11.00	
SUN APR 27	7-11 CIGS	6.00	
SUN APR 27	COTIZAS - [REDACTED]	28.00	
"	SHE INSISTS ON SEEING [REDACTED] @ SSB	7.00	
			(193)
WED MAY 7	BIRTH LEFT TO GO SAN FELIPE	28.00	
THUR MAY 8	CIRCLE K GAS	70.00	
THUR MAY 8	CHEVRON GAS	24.00	
"	PERFUME AT BOLDOR	20.00	
"	SOUVENIRS IN S.F.	31.00	
"	[REDACTED] LUNCH [REDACTED] SVL	26.00	
FRI MAY 9	LUNCH AT MEX. REST	27.00	
"	CASH TO [REDACTED] (GAS)	100.00	
SAT MAY 10	LUNCH HER FAMILY	46.00	
MAY 11	BROCK & BEER	57.00	
"	DINNER & DRINK	74.00	
"	CASH TO [REDACTED]	30.00	
TUES MAY 13	[REDACTED] LUNCH	28.00	
"	PEMEX GAS	80.00	
"	USA GAS	37.05	
"	AUBERTON'S DINNER	24.00	
WED MAY 14	OISHII SUSHI	33.00	
"	TO GRANDF for FUCH [REDACTED]	7.00	TOW
"	SSB [REDACTED]	31.00	
"	ALBERTSON MONSTER/GRAC	37.00	
WED MAY 15	" FB & BROCK	47.00	

MAY 14 RETURN FROM SAN FELIPE & STARTED STAYING

THUR MAY 15	- ALBERTSONS	20.00
"	COSTCO FLOWERS & GROC	44.00
FRI MAY 16	[REDACTED] DINNER LA CARRETTA	65.00
SUN MAY 17	CASH SO SHE CAN BUY FOOD FOR BBQ AT [REDACTED]	40.00
"	F.B. FOR [REDACTED]	24.00
MON MAY 19	ALBERTSON F.B.	24.00
TUES MAY 20	TACO BELL [REDACTED]	7.00
THUR MAY 22	TO E.R. WITH [REDACTED]	
"	COSTCO GROC. / SHELVES	189.00
"	PANDA EXPRESS	24.00
"	ALBERTSONS	28.00
FRI MAY 23	"	72.00
"	ALBERTSONS	64.00
"	SHE GAVE ME FOR GROC	(60.00)
SAT MAY 24	STARBUCKS	6.00
"	ALBERTSON [REDACTED] [REDACTED]	38.00
	POKER PARTY KIDS	20.00
SUN MAY 25	SSB [REDACTED]	9.00
MON MAY 26	MEDS FOR [REDACTED] BACK	20.00
TUE MAY 27	ALBERTSONS	57.00
"	BLACK ANGUS DINNER	60.00
WED MAY 28	FLOOR SHAMPDOR	40.00
"	WALMART CLEANERS	28.00
"	BLUE LAP TOP ([REDACTED])	80.00
THUR MAY 29	ALBERTSON MONSTERS	18.00
"	SUSHI HERE'S [REDACTED]	50.00
SAT MAY 31	BOUGHT [REDACTED] TICKETS	165.00
"	BOX WITH [REDACTED] [REDACTED]	75.00

(9.50)

SUN JUNE 1	CASH TO PAY [REDACTED] OL [REDACTED]	(300.00)
MON JUNE 2	ACE SHELVES	54.00
WED JUNE 4	USA GAS [REDACTED]	50.00
"	MIMI'S CAFE "ILL GIVE IT, A SHOT"	34.00
"	COSTCO GROC.	82.00
THUR JUNE 5	7-11 SMOOKES HER	7.00
FRI JUNE 6	TAKKA SUSHI & SHE TEXTING [REDACTED]	40.00
SAT JUNE 7	GARAGE SALE NEIGHBORS.	7.00
SUN JUNE 8	B.W.U. BIRTHDAY PARTY	120.00
TUE JUNE 10	HOME DEPOT	23.00
WED JUNE 11	CIRCLE K [REDACTED] GAS CIGS	27.00
THUR JUNE 12	CASH TO [REDACTED]	(100.00)
"	JOES CRAB SHACK	110.00
SUN JUNE 15	TACO BELL	10.00
"	LA PALAPA FATHER DAY	88.00
MON JUNE 16	ALBERTSON HER & [REDACTED]	23.00
TUES JUNE 17	SHE MET AT B.S.'S W/TEAM	77.00
"	F.B. ALBERTSON	24.00
WED JUNE 18	ALBERTSON HER & [REDACTED]	43.00
"	PADRE PARKING	15.00
"	SHE TEXTING [REDACTED]	(PRICE LESS)
"	SNACK BEV & CIGS.	32.00
THUR JUNE 19	TOOK [REDACTED] TO DOCTOR	
"	MEXICAN FOOD	10.00
"	SSB	69.00
"	VILLAGE INN SHE LOST PHONE	11.00
"	JACK BOX [REDACTED]	4.00
FRI JUNE 20	HOME DEPOT RAT TRAPS	10.00
"	DICKS TOWING & TURTLES HAS.	
"	ALCO [REDACTED] BEER & CIGS	14.00
"	ALBERTSON [REDACTED] (STELLA)	22.00

SAT JUNE 21	[REDACTED] O.D. TO ER. J.I.T.B	8.00
"	HOME DEPOT TO FIX DAMAGES	28.00
SUN JUNE 22	TUJIKI [REDACTED] CIGS HOSR.	12.00
TUE JUNE 24	PICK UP [REDACTED] & GO CHINA BUFFET	57.00
WED JUNE 25	MUSIC GAS [REDACTED]	35.00
"	JITS [REDACTED]	8.00
"	[REDACTED] SSB [REDACTED] THERE	125.00
"	JITS [REDACTED]	7.00
"	SSB MUSIC	15.00
FRI JUNE 27	I AM ON THE MOUNTAIN	
SAT JUNE 28	SSB W [REDACTED]	9.00
	IN & OUT [REDACTED]	7.00
		(1797)
THUR JUNE 3	STARBUCKS	5.00
"	CASH RENT	(5000)
	DELMAR FAIR [REDACTED]	140.00
FRI JULY 4	ALBERTSONS. GROC.	153.00
SAT JULY 5	CAR WASH 4 RUNNER	10.00
	DEL TACO	5.00
SUN JULY 6	MICHAELS.	7.00
"	ALBERTSONS.	43.00
	SSB W [REDACTED]	24.00
	THEN I LEFT	
TUES JULY 8	LA PALAPA	40.00
	CIRCLE K SMOKE	9.00
	SSB	112.00
THUR JULY 10	B.P. CONCEPT SSB	20.00
	CONCEPT PK & HAT	75.00
	- KICKED OUT BEERS -	26.00
	DIRECTION & DEL TACO	50.00

FRI JULY 11	J.I.T.B	10.00
TUE JULY 15	COSTCO GROC.	114.00
WED JULY 16	RANCHO VIEJO	17.00
THUR JULY 17	HOME DEPOT BATH LIGHTS	18.00
"	GROC ALBERTSON	34.00
"	CHILI'S DINNER	32.00
FRI JULY 18	GAVE HER 20 TO PICK DRY CLEAN	= (14.00) CASH
"	SSB	15.00
SAT JULY 19	GAVE HER CHANGE = NET	(58.50)
"	SSB	25.00
"	HOME DEPOT	32.00
"	CASH TO BUY SMOKE CIGARETTES	(20.00)
"	ALBERTSON GROC.	39.00
SUN JULY 20	HOME DEPOT PROPAANE TANK	44.00
"	FIX TOILET & WINDOW GLAZE	
"	SEA WORLD TICK FREE	33.00
"	BOLL WEEVIL	28.00
TUE JULY 22	SSB & MUSIC.	65.00
WED - FR -	HOMIE -	
SAT JULY 26	LA PALMIRA	40.00
"	ALBERTSON GROC.	113.00
MON JULY 28	CASH FOR GAS	(40.00)
"	SSB	120.00
WED JULY 30	BLACK ANKUS KIDS.	184.00
"	SSB	46.00
THUR JULY 31	HOME DEPOT	40.00
"	SANDWICH BAGS LUNCH	20.00
"	USA GAS 4 RUN	30.00
"	SMOKE	9.00
"	ORIG PIZZA	52.00
		2469.50

FRI AUG 1	HOME DEPOT	11.00
	ALBERTSONS	44.00
	FLOWERS FOR [REDACTED]	10.00
	SOUL PLANTATION	30.00
SUN AUG 3	SSB [REDACTED]	68.00
	MICHAELS DRUNK	56.00
	THE LIBRARY	32.00
	J. ITB	8.00
	SSB AGAIN	33.00
	J. ITB HER & [REDACTED]	16.00
	ALBERTSONS GROC	46.00
TUES AUG 5	BIG FIGHT & I WALK & SHE GONE	9.00
WED AUG 6	CARLS JR [REDACTED]	
	SHE CHARGING "LOCKS"	
MON AUG 11	BOUGHT HER A SAFE	120.00
THUR AUG 14	MILES FOR [REDACTED]	50.00
	COSTCO [REDACTED] SALMON	26.00
	& GROC.	
	WEED [REDACTED]	30.00
	SSB 5.00 MUSIC HER & [REDACTED]	5.00
	SSB MUSIC	10.00
SUN AUG 17	[REDACTED] [REDACTED] HAMMERED W/ [REDACTED]	
MON 18	TRUCK TOWED	
SAT AUG 23	CIRCLE K CIGS	10.00
WED AUG 27	SHE DID LAUNDRY	
	ALBERTSON MONSTERS FOR HER	5.00
	ALBERTSON WATER FOR HER	8.00
THUR AUG 28	CIRCLE K SMOKE	10.00
FRI AUG 29	BOUGHT HER PIZZA	25.00
	SWIMMING.	

(5)

TUES SEPT 2	SMOKES CIRCLE K	9.00
WED SEPT 3	" MONSTERS	14.00
"	SSB HE HER & [REDACTED]	105.00
SAT SEPT 6	BLAKE SHELTON CONCERT	—
SUN SEPT 7	SANTANAS	13.00
MON SEPT 8	CIRCLE K SMOKE MANS.	14.00
WED SEPT 10	PAID HER FINES	935.77
FRI SEPT 12	CIRCLE K SMOKE MANS.	14.00
SUN SEPT 14	" " "	14.00
MON SEPT 15	TOOK HER FOOD ^{SHE} HAMMERED	13.00
TUE SEPT 16	TOOK OFF WORK TO GET HER LICENSE DROVE ALL OVER CALIF	40.00
"	ALBERTSON'S T.P.	7.50
"	DEL TACO	8.00
WED SEPT 17	TRUCK BACK	<u>1282.27</u>

RECAP

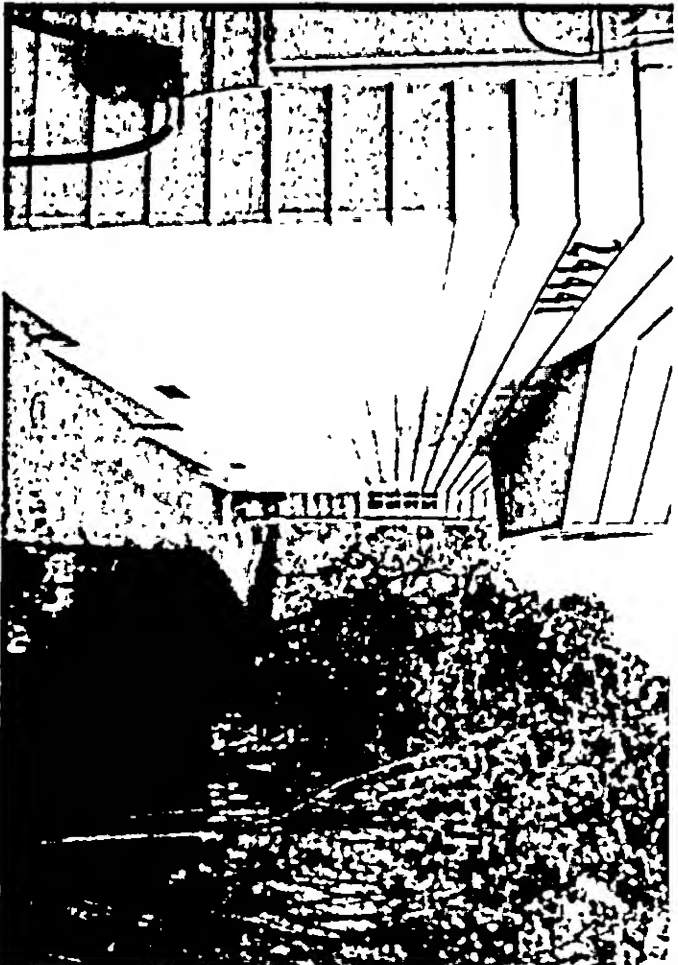
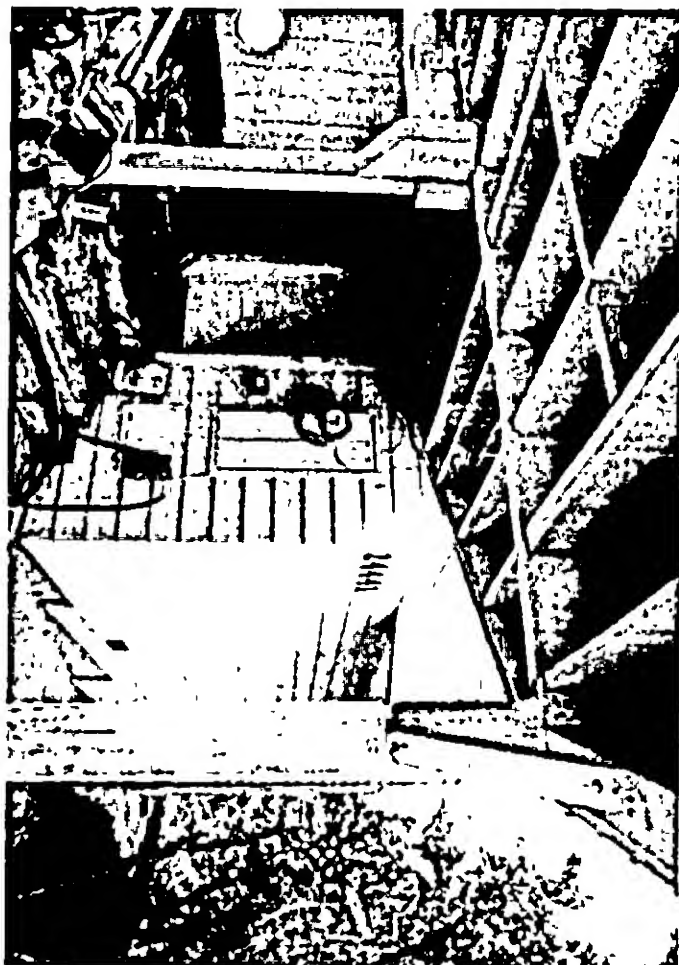
I PAID FOR ENTIRE SAN FELIPE TRIP
 STARTED STAYING THERE MAY - 14TH
 SHE GOT BIG CHECK AUG 4TH \$2600-
 FIGHT & KICKED OUT AUG 5TH = 2 1/2 month

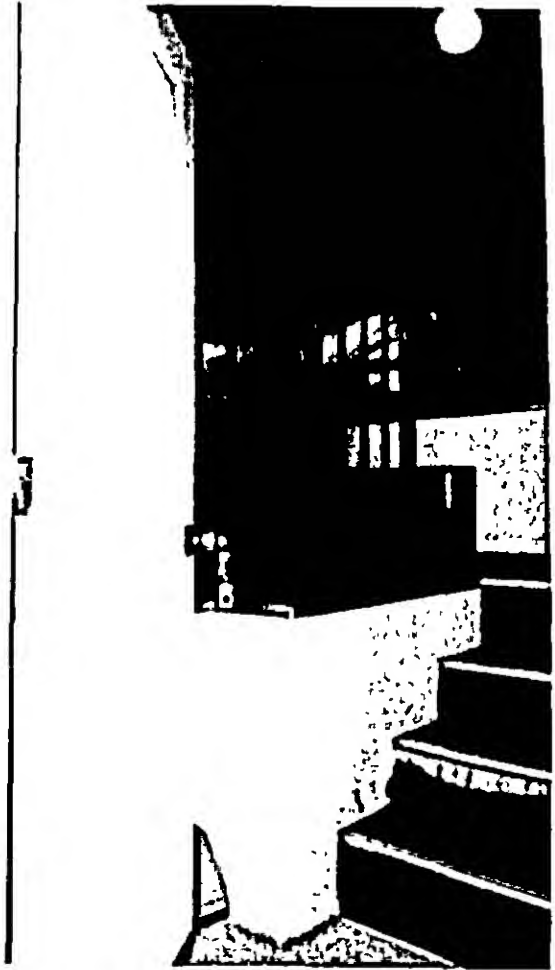
TELLS [REDACTED] I STAYED THERE THREE MONTHS
 & ONLY GAVE HER \$500.00

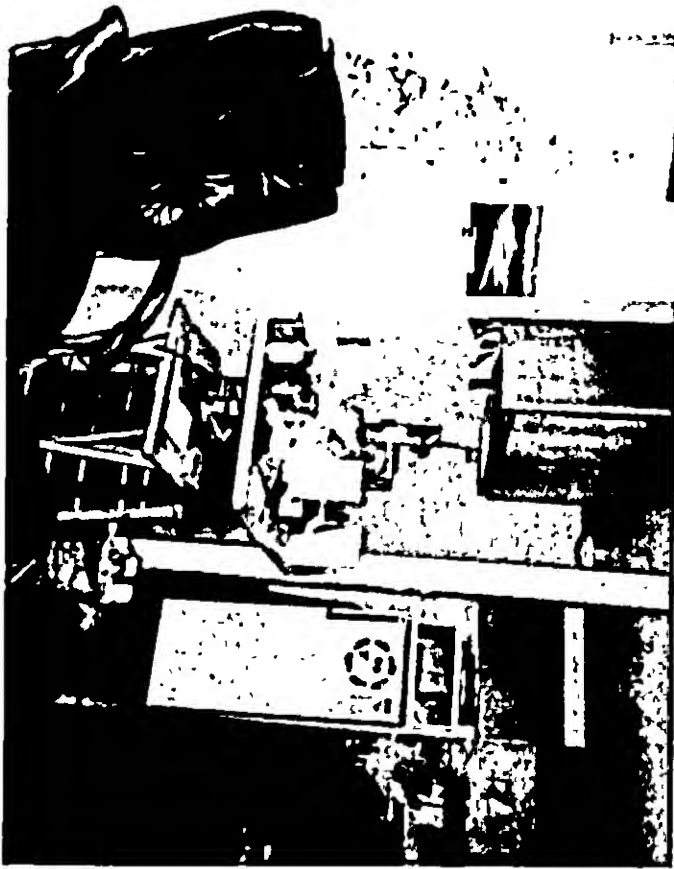
WHILE WITH HER I PAID FOR EVERYTHING
 I KNOW I BENEFITED & THAT DURING (PHASE)
 WITH SPENDING MONEY.

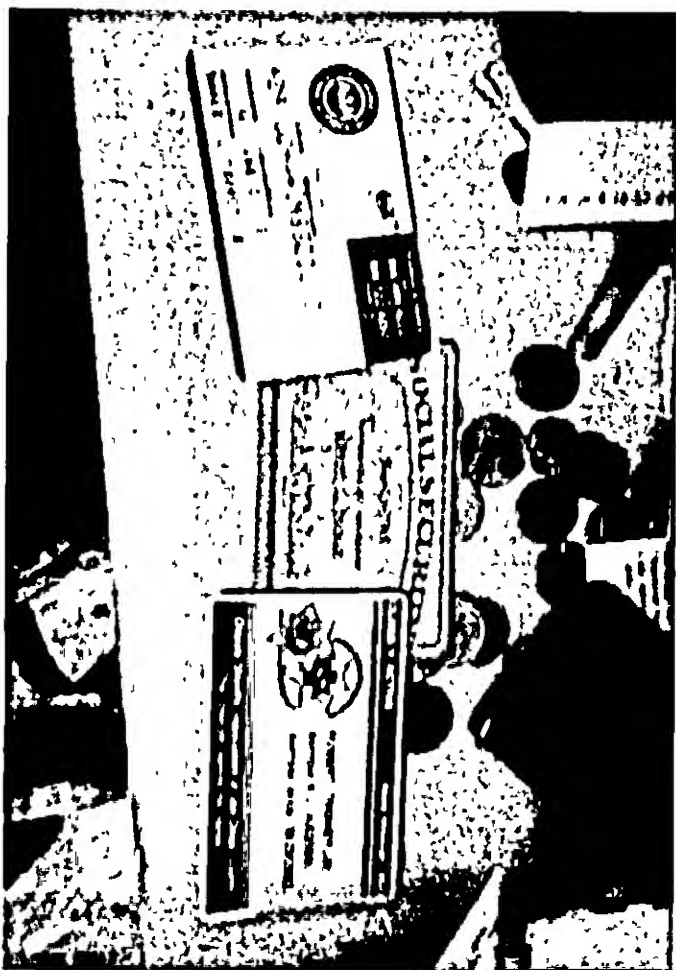
THIS DOES NOT INCLUDE ANY OF
 THE MONEY SHE HAS MADE SELLING
 MY MOTHERS POSSESSIONS OR THE
 BOXES OF CLOTHES GIVEN TO HER FAMILY
 CASH GIVEN TO HER

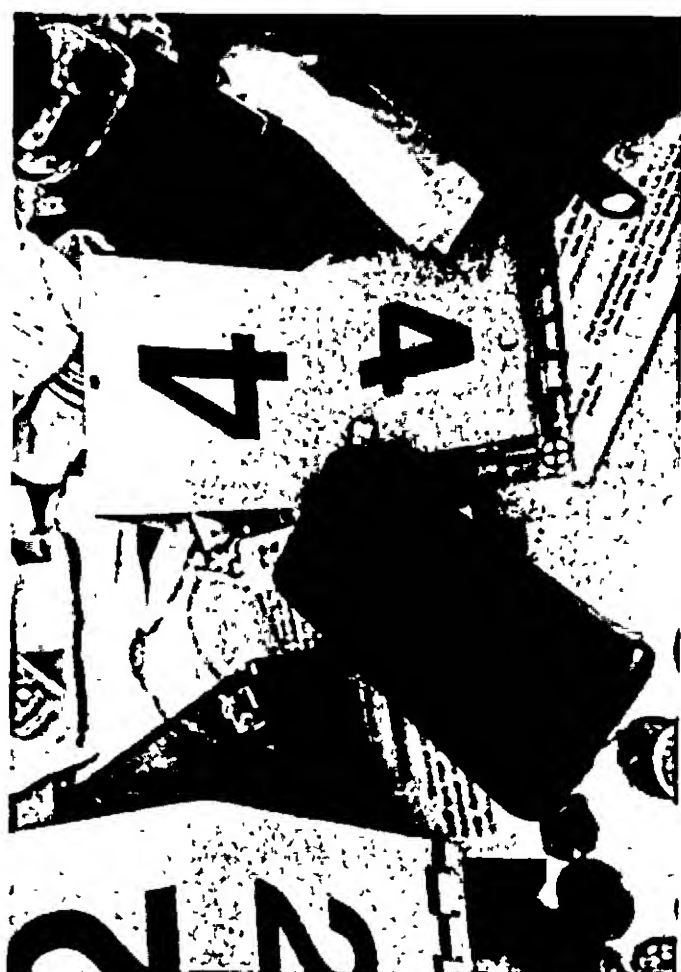
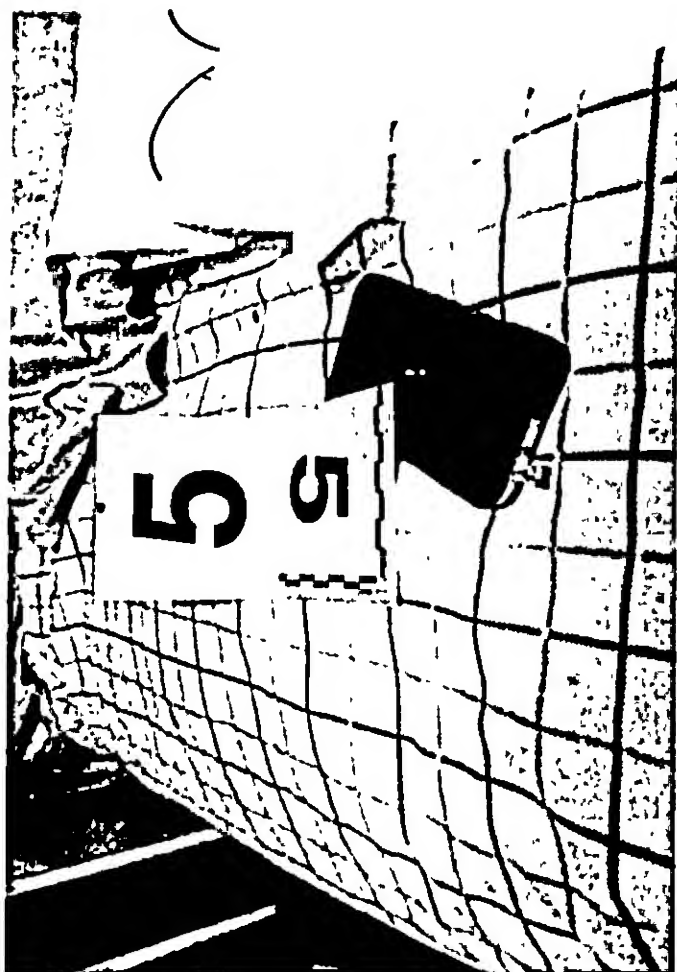
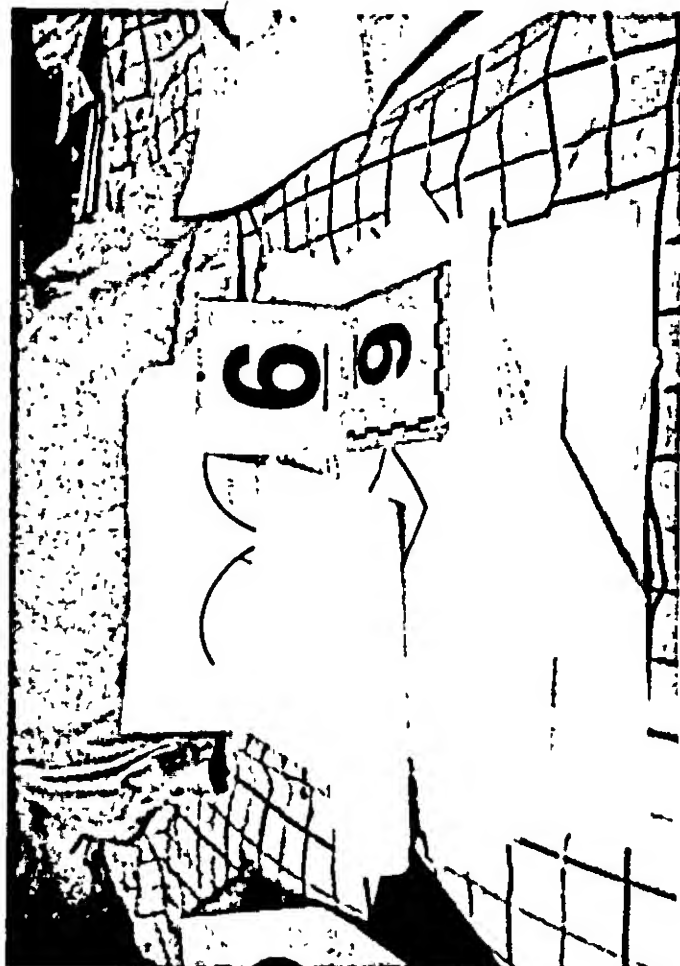
CASH GIVEN TO HER		GRAND TOTALS	
JUNE 01	300-	APR	193-
JUNE 12	100-	MAY	2058.00
JULY 3	500-	JUNE	1797.00
JULY 18	14-	JULY	2469.50
JULY 19	58.50 change	AUG	659.00
JULY 19	20.00	SEPT 1-16	1282.27
JULY 28	40.00 TO BUY GAS		<u>8,458.77</u>
JULY 31	40.00	+ TRUCK	
	<u>\$ 1072.50</u>	+ GARAGE SALES ? ? ? ? ?	
SEPT 10	935.77 FINES		

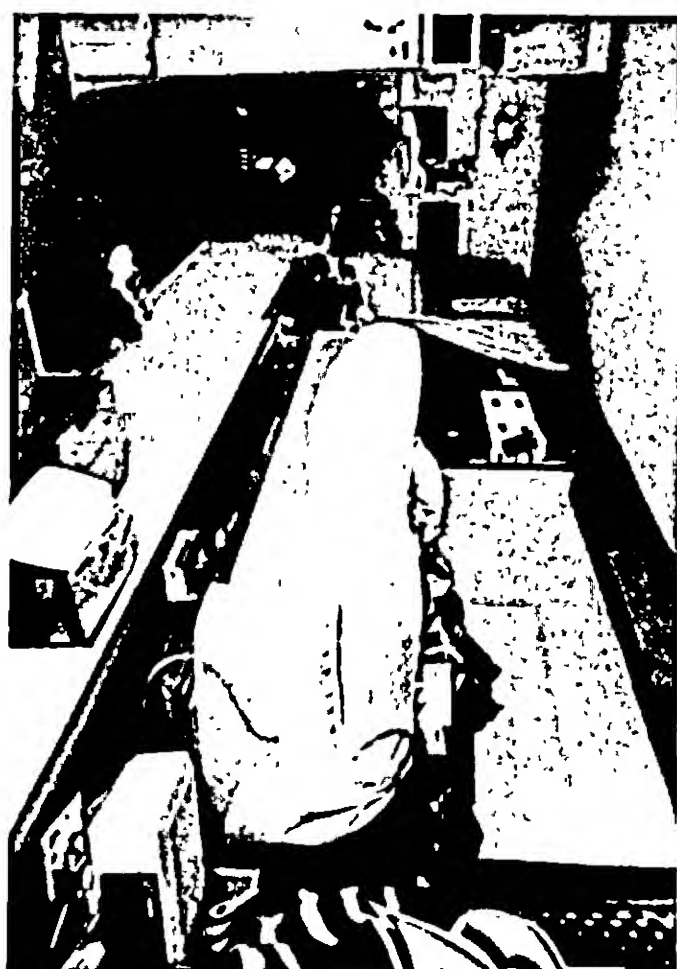
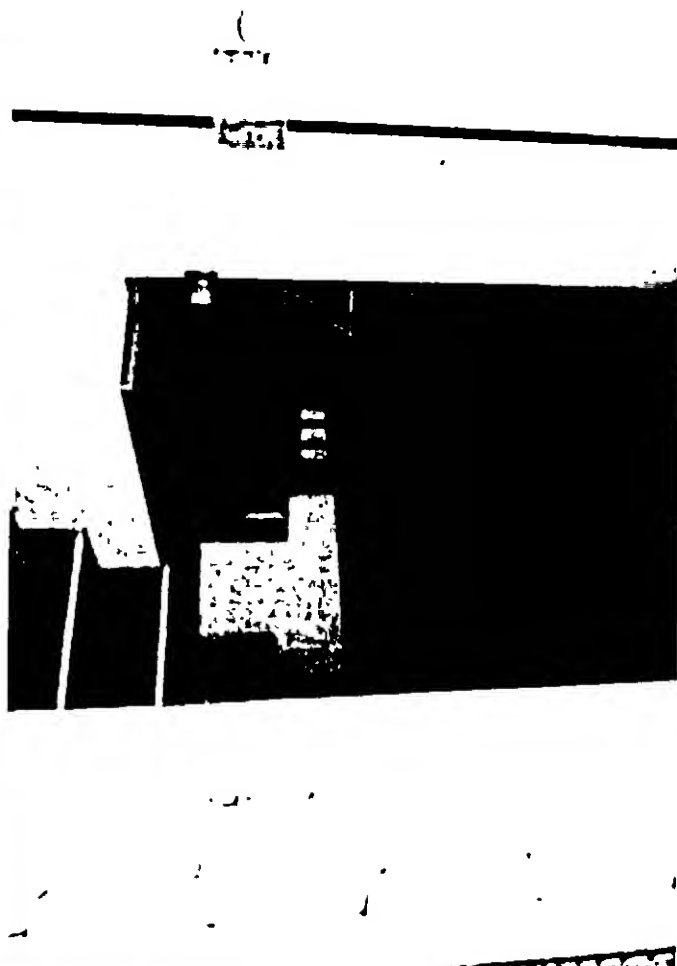
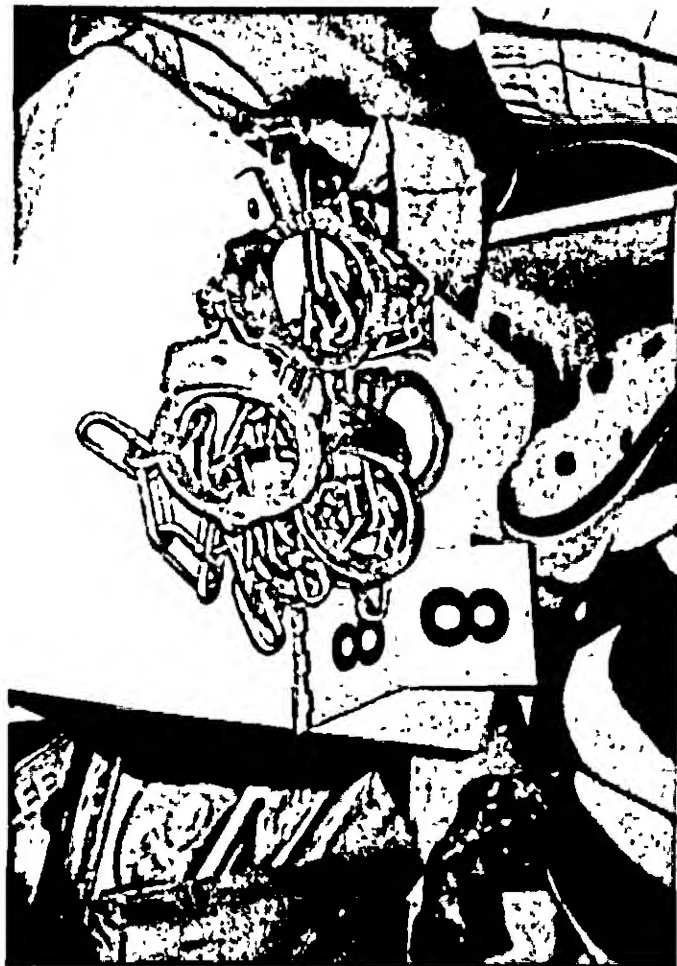




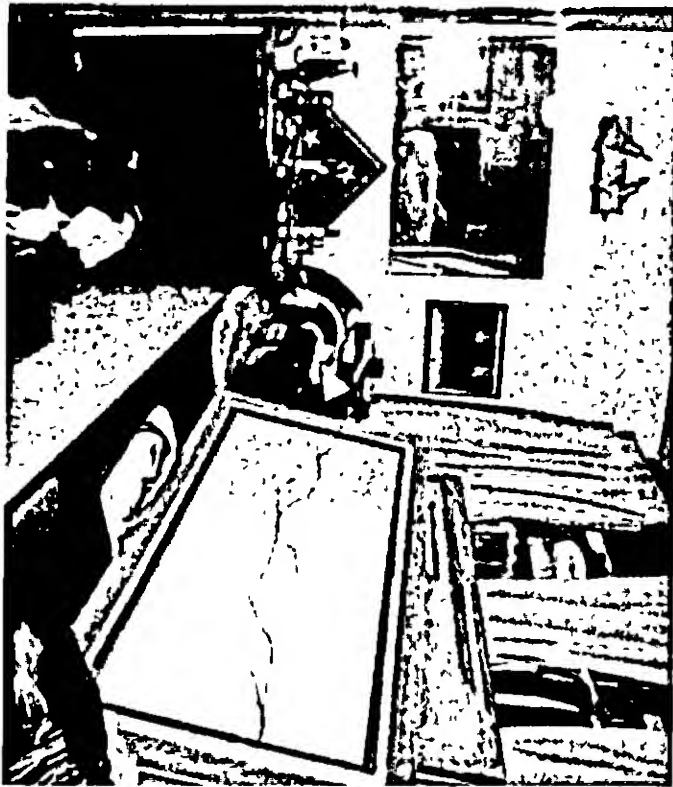














Make sure you
tell all your friends
and family who
think I ~~SREWED~~
You ~~OVER~~ THE TRUTH.

I at least deserve
that.

Congratulations, you
got what you wanted
at my expense I treated
you better than any man
you have ever been with,
and you kicked me to
the curb "I LOVE THIS MAN"
Everything happens for a
REASON = I AM FUCKING STUPID"

Dear [REDACTED]

Sat 12-13-14 7PM

It is totally obvious that you have other interests and desires, and they don't include me. I will take you on the 17th and pay the \$1600.00 to get your truck back for you like I promised. Please let me know when it is convenient for you. In exchange I want to know if you would consider giving me a key to the pool, because I want to get back to a regular exercise routine and swimming is what motivates me. (Besides you that is)! Nice to see you smile. It just really sucks that it is with some other guy.

XOXO
JE

TO [REDACTED] – MINE WOULD BE YOU

What's your all-time high, your good as it gets?
Your hands down best ever make-up sex?
What's your guilty pleasure, your old gold tooth?
Well if you ask me, mine would be you

What's your worst hangover, your best night yet?
Your 90 proof, your Marlboro Red?
The best damn thing you lucked into
That's easy girl, mine would be you

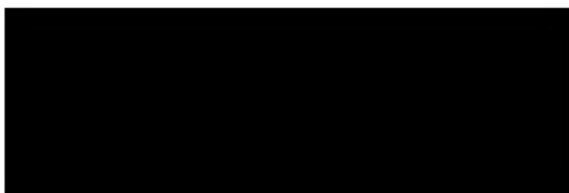
Mine would be you
Sun keeps shinin', back road flyin'
Singing like crazy fools
Makin' up our own words
Laughin' 'til it hurts
Baby, if I had to choose
My best day ever
My finest hour, my wildest dream come true
Mine would be you

What's your double dare, your go all in?
The craziest thing you ever did?
Plain as your name in this tattoo
Look on my arm, mine would be you

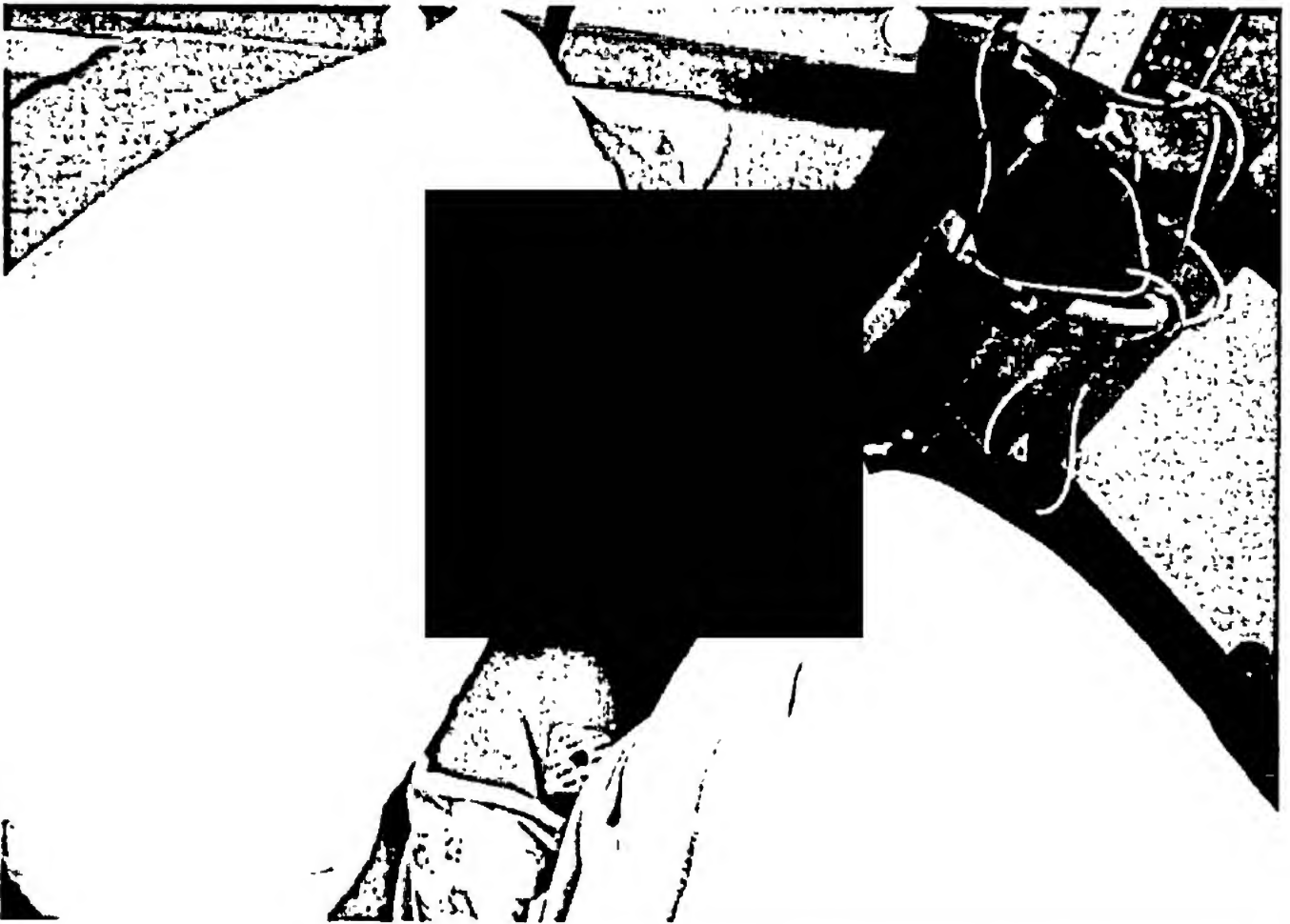
Mine would be you
Sun keeps shinin', back road flyin'
Singing like crazy fools
Makin' up our own words
Laughin' 'til it hurts
Baby, if I had to choose
My best day ever
My finest hour, my wildest dream come true
Mine would be you

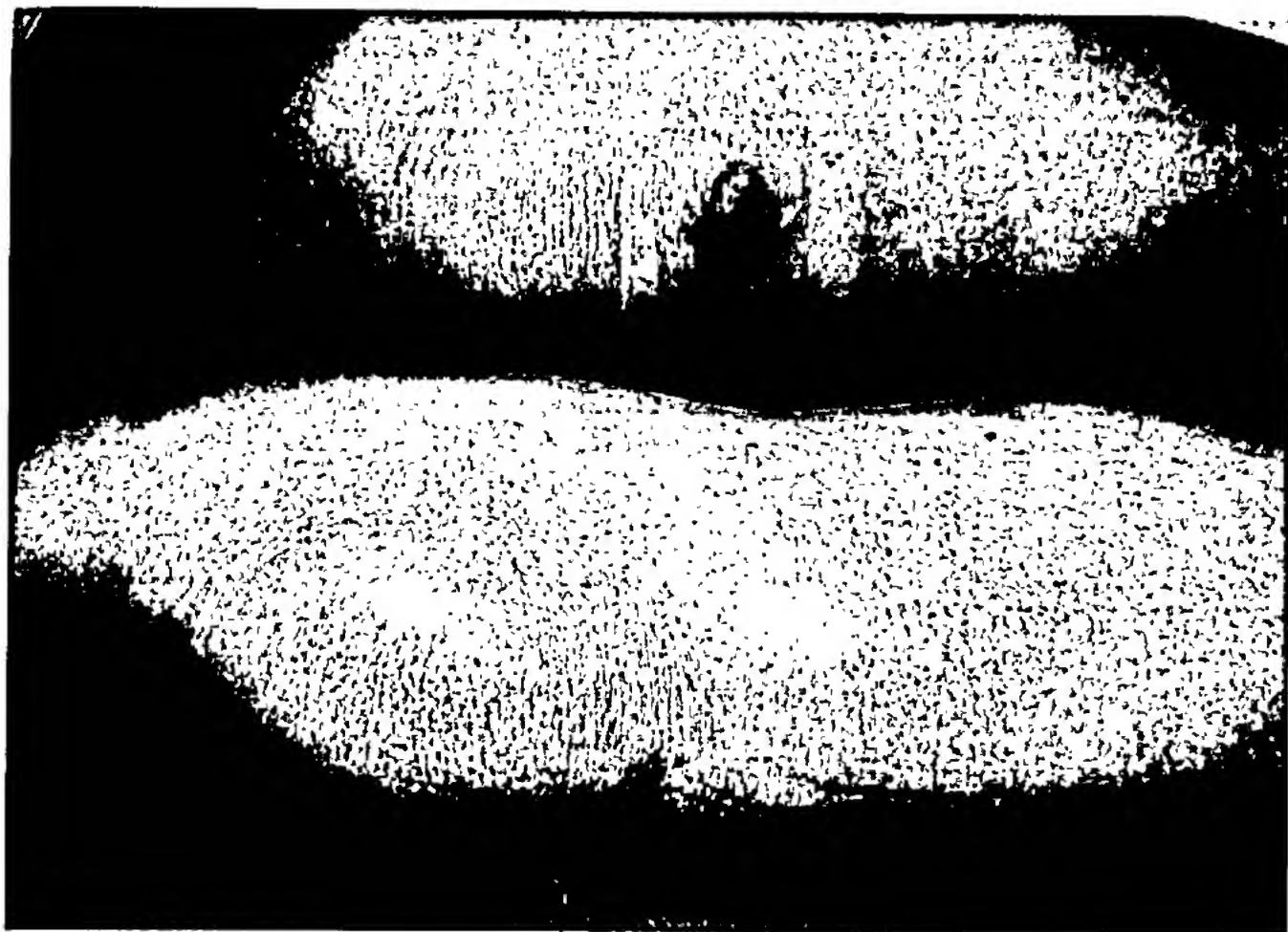
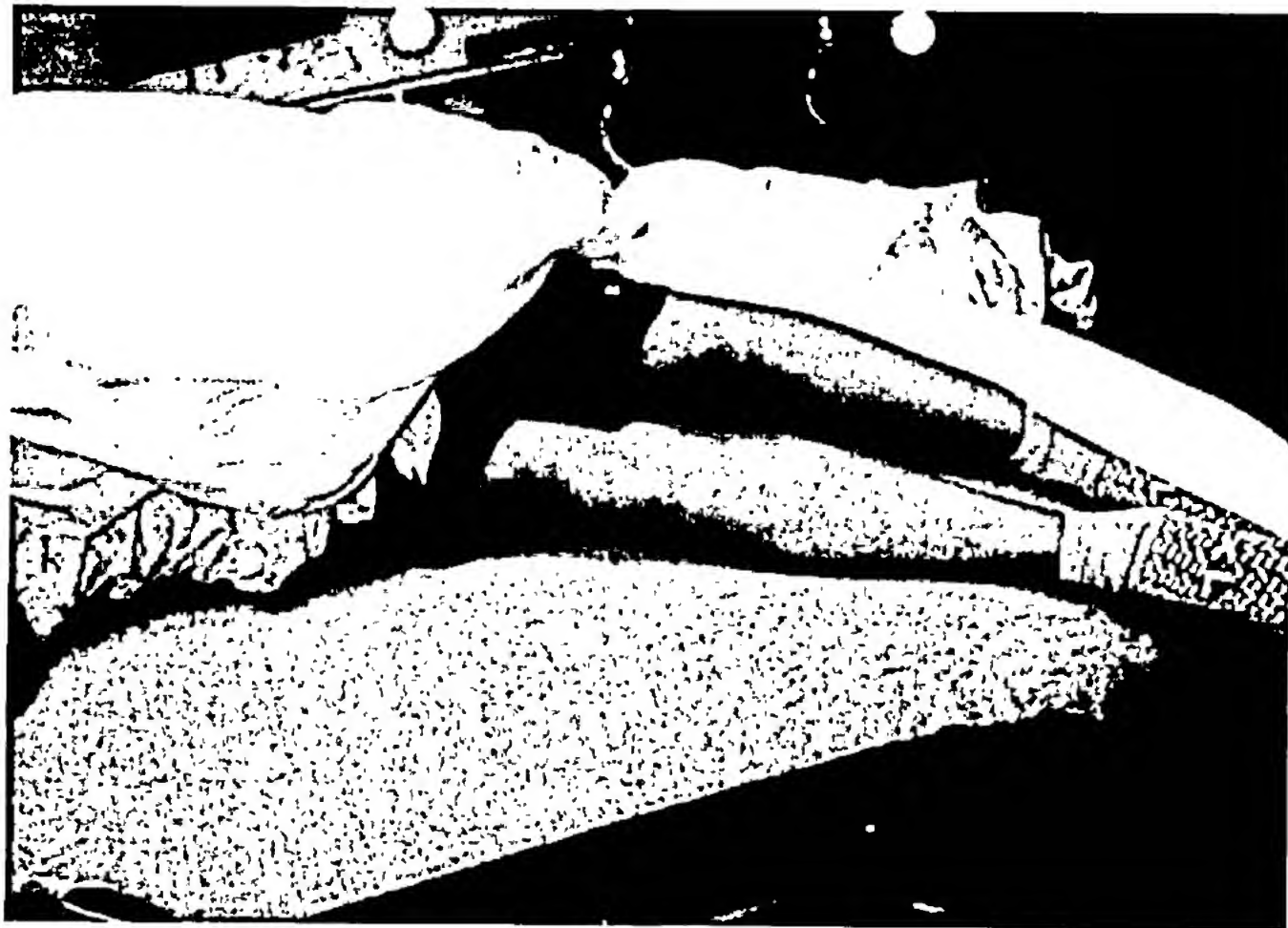
What's the greatest chapter in your book?
Are there pages where it hurts to look?
What's the one regret you can't work through?
You got it baby, mine would be you
Yeah you got it baby, mine would be you

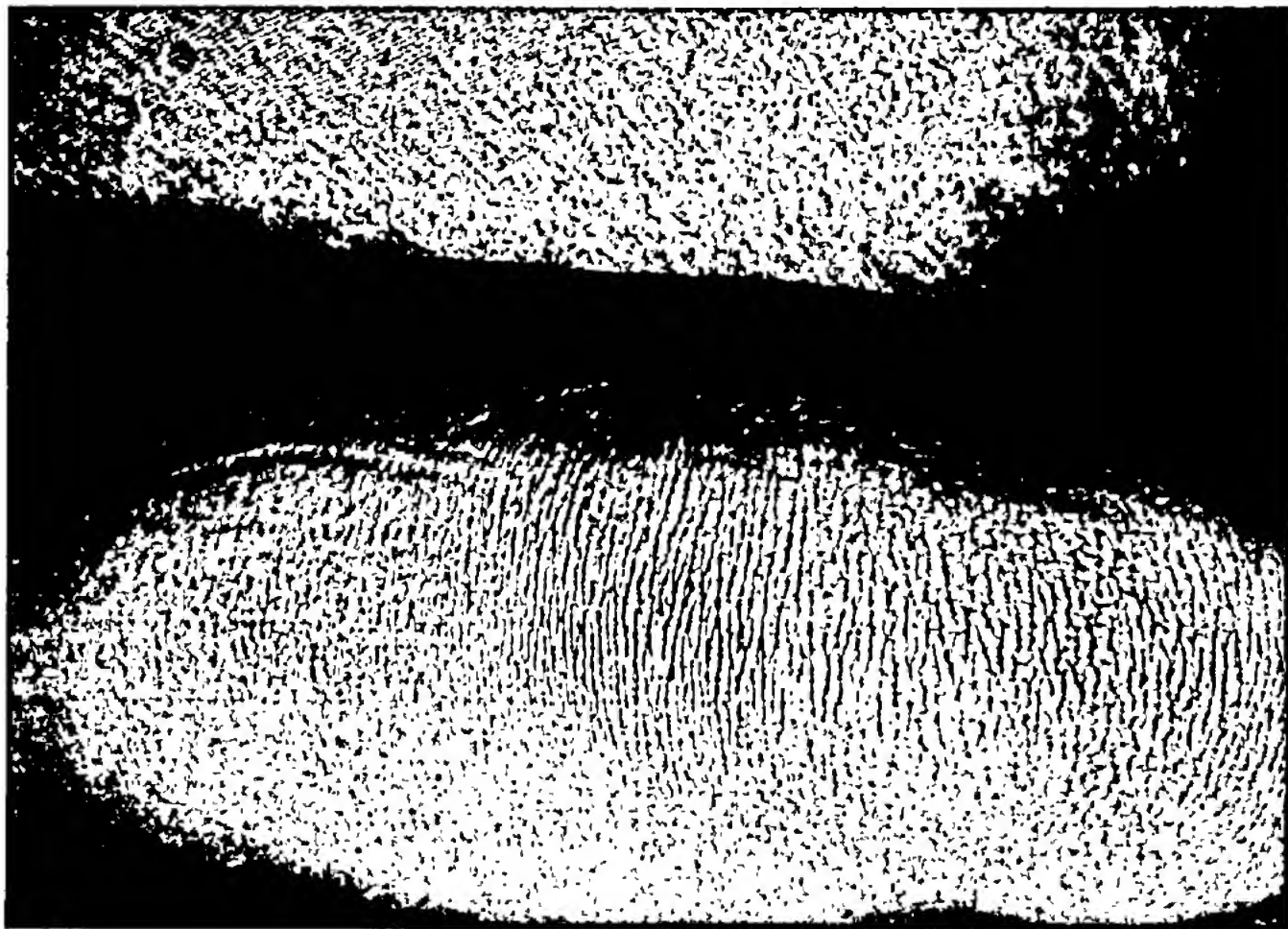
Mine would be you
Taillights fadin'
Daylight breakin'
Standin' there like a fool
When I should've been runnin'
Yellin' out somethin'
To make you wanna hold onto
The best love ever
Girl, can you tell me
The one thing you'd rather die than lose?
Cause mine would be you
Mine would be you, you

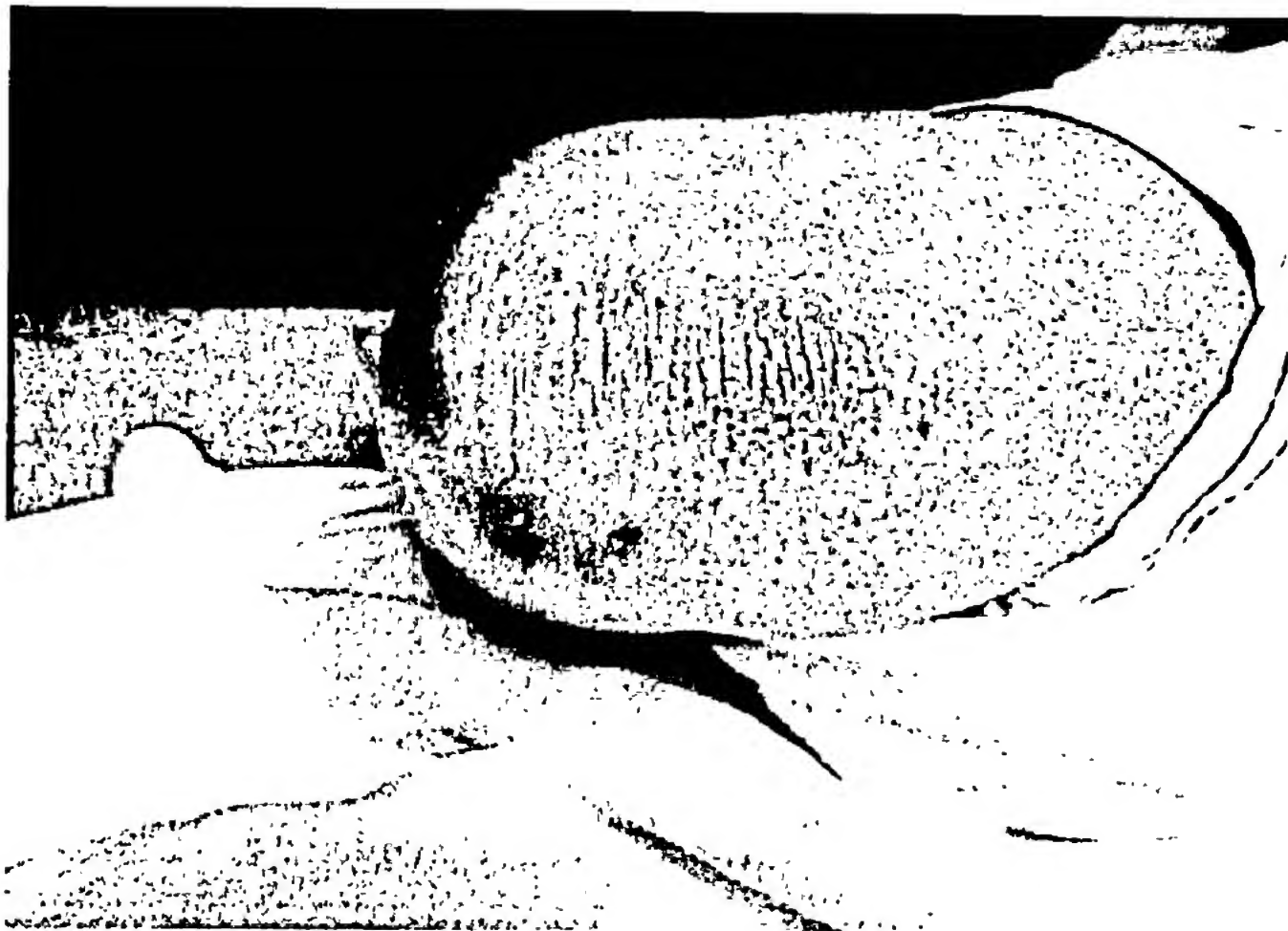
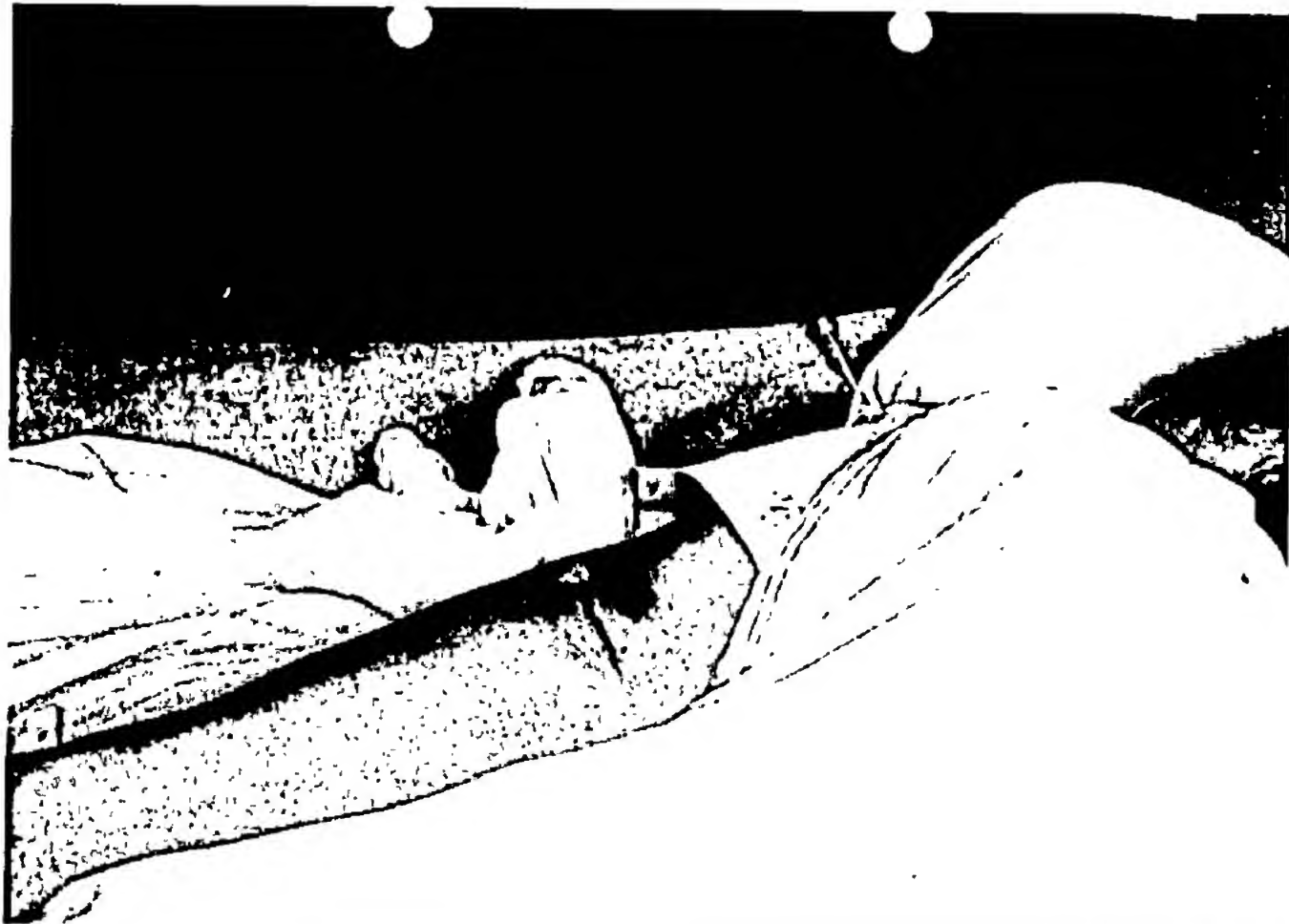


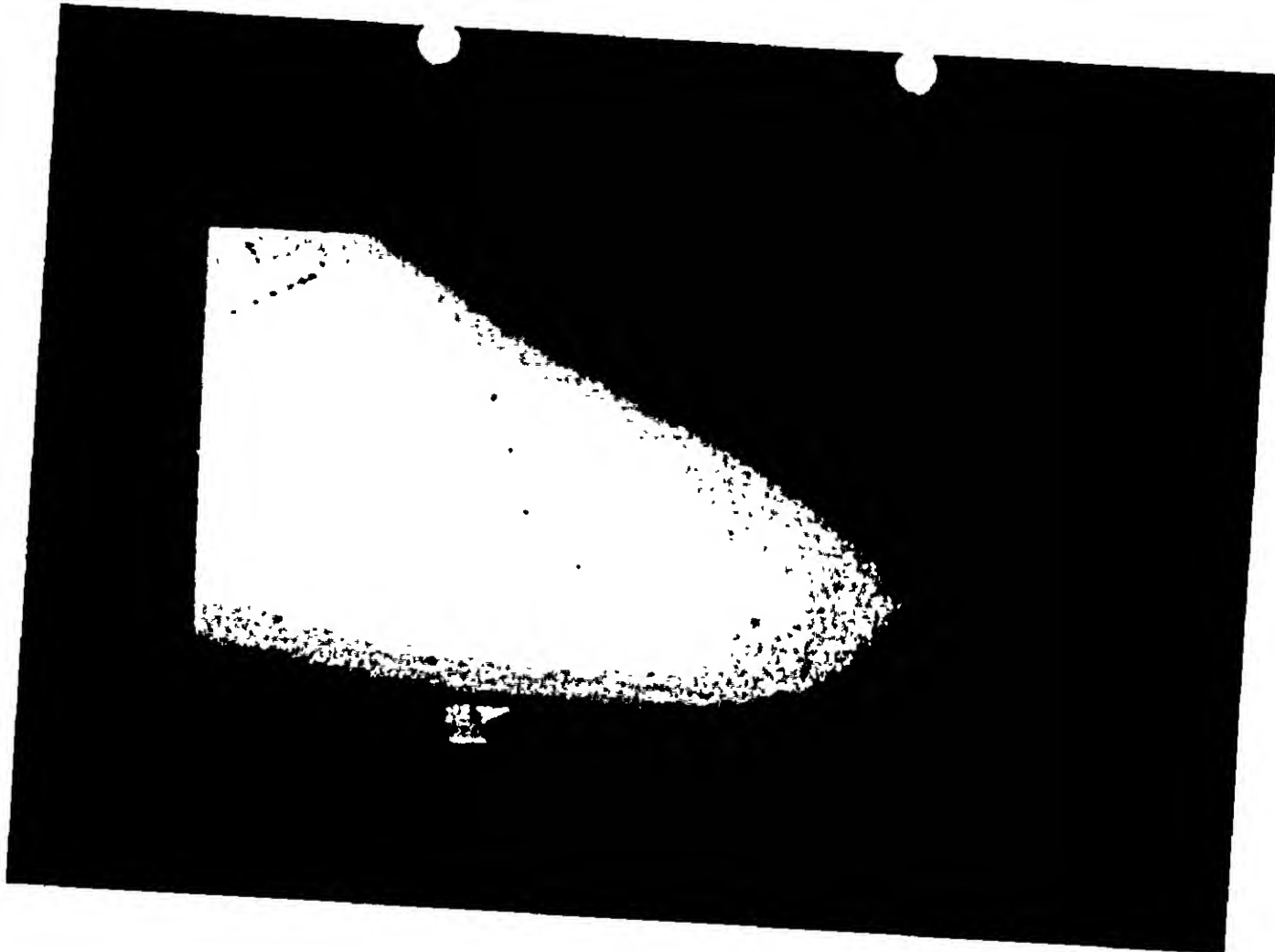
Miss



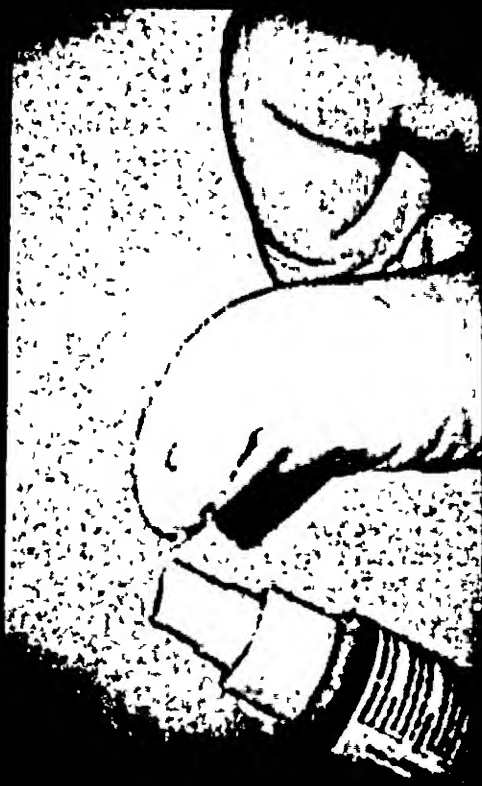




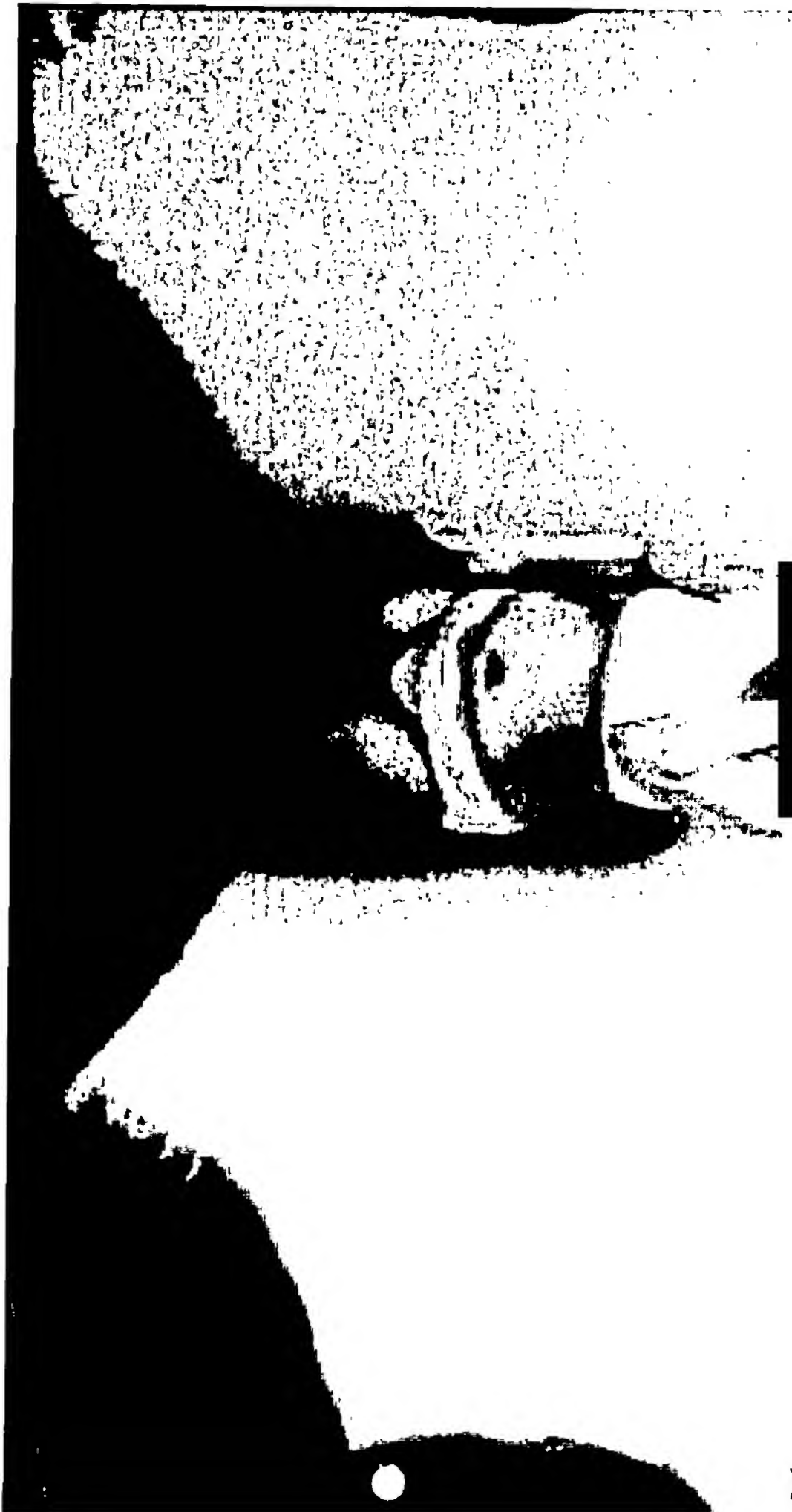




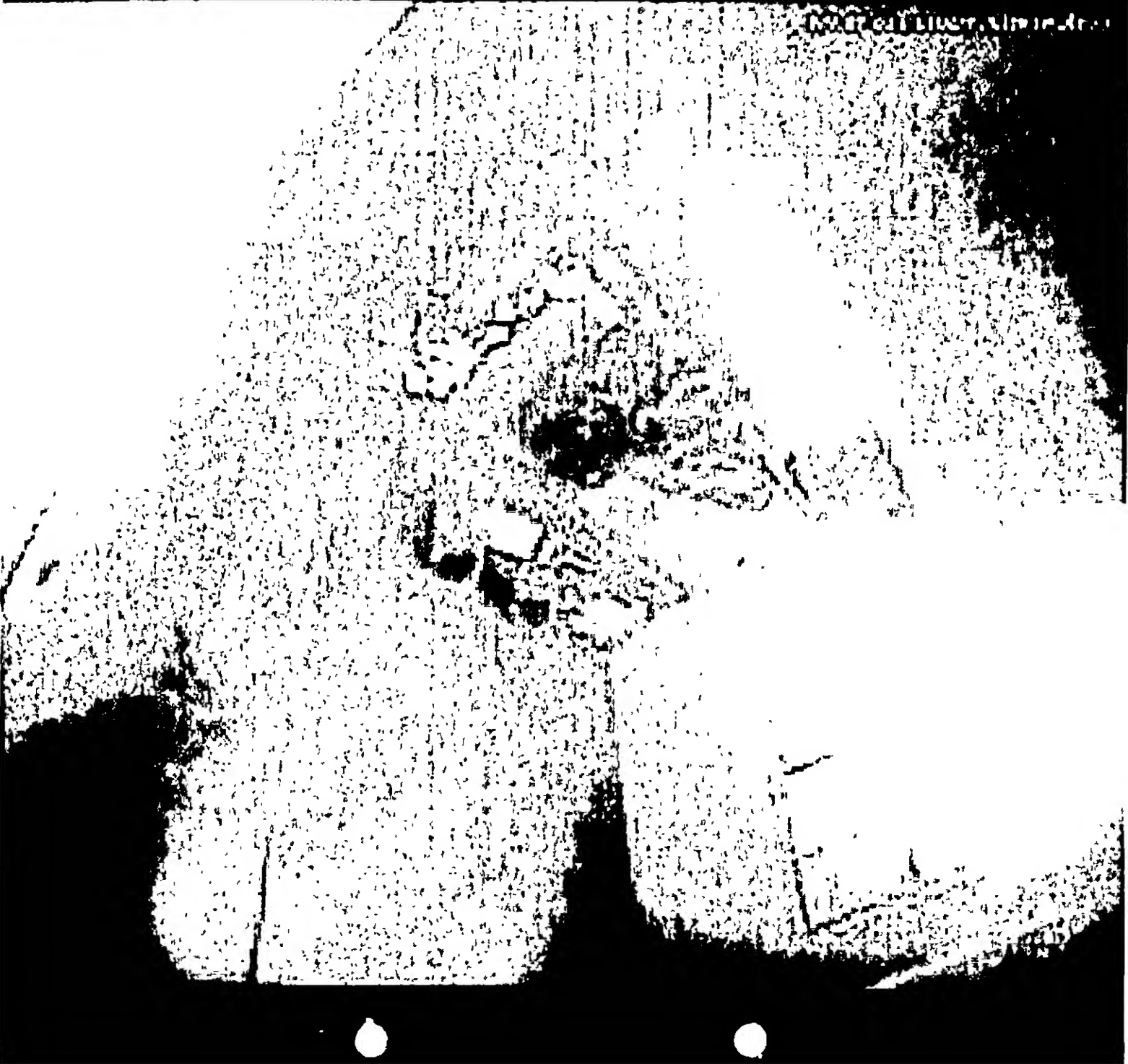
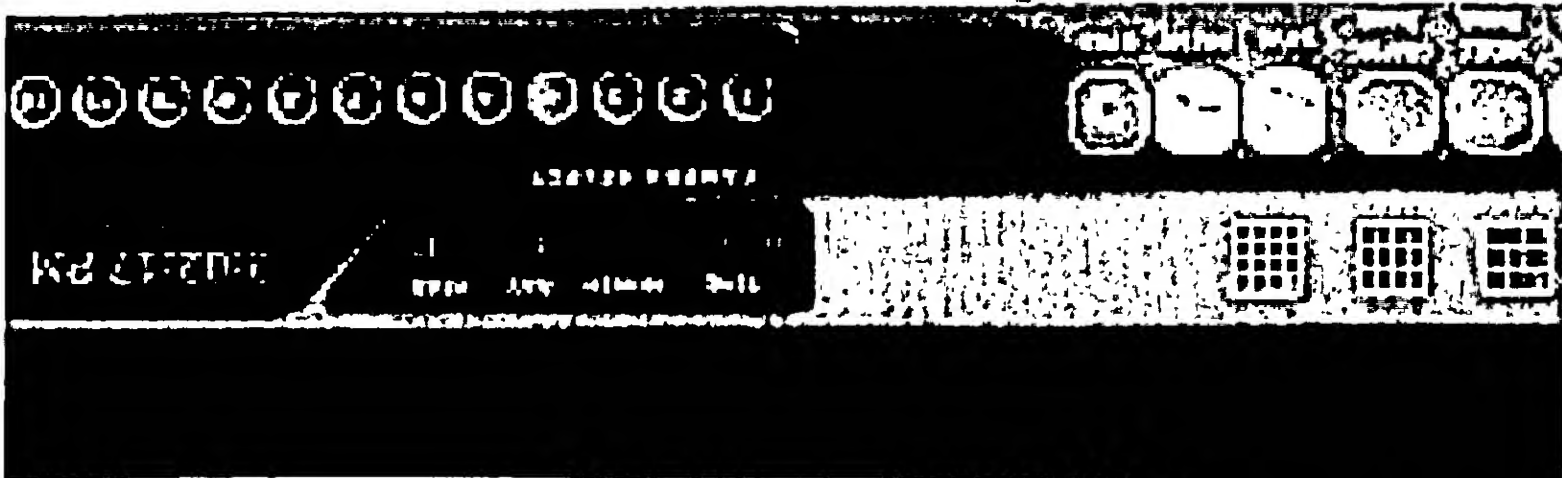
TOOHEY

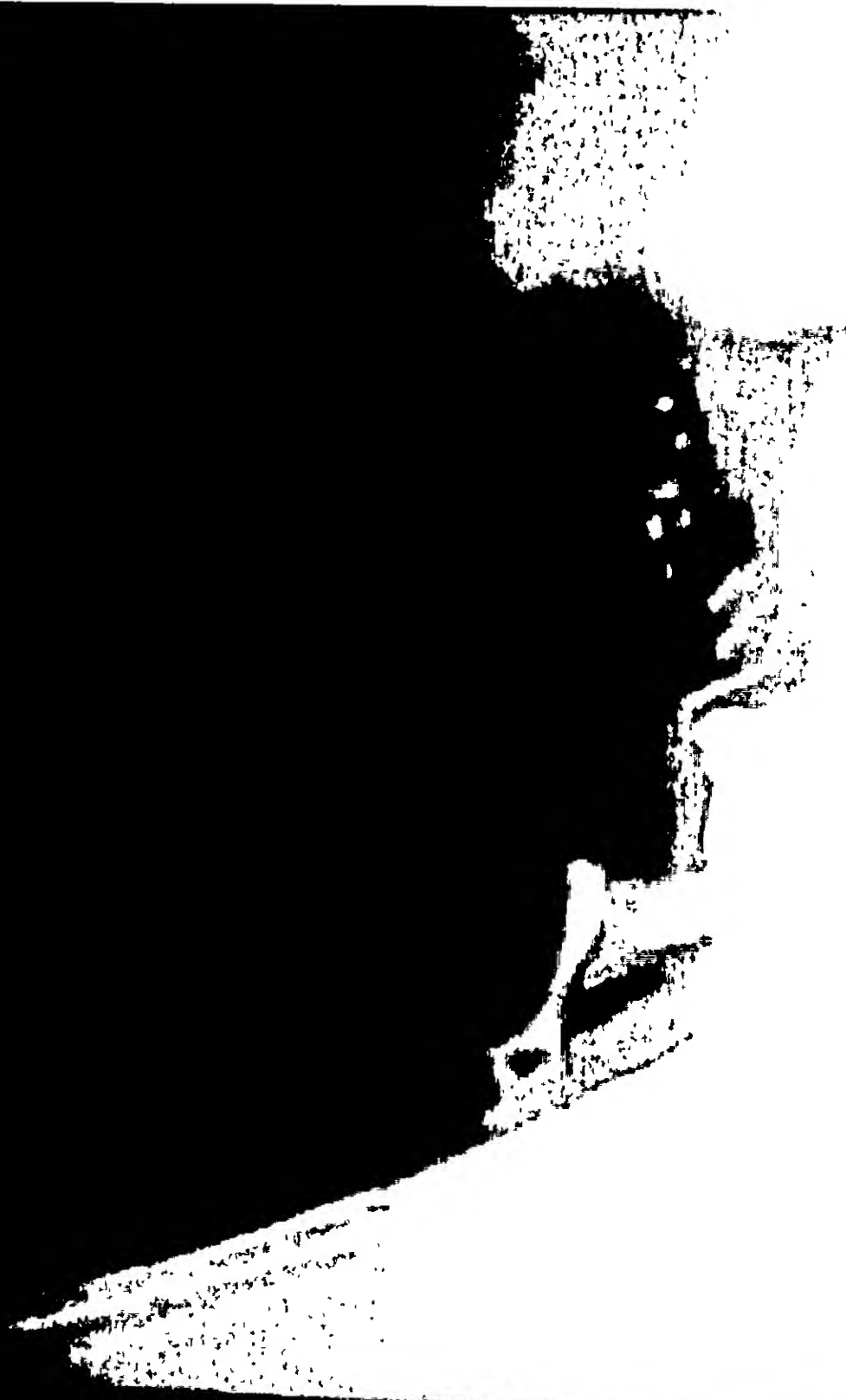


TOOHEY









CONFIDENTIAL

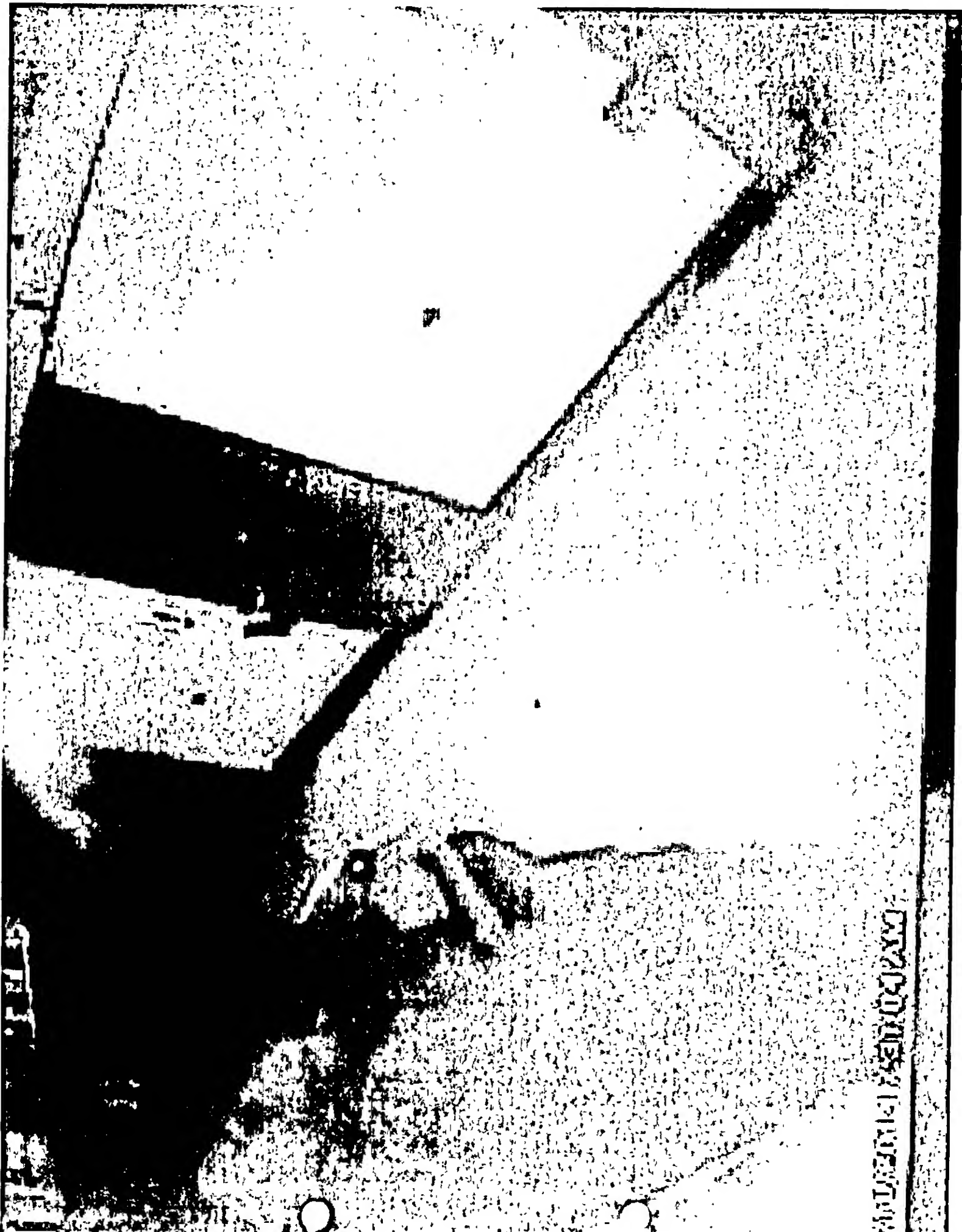


11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

TIME 10:05 DATE 01/12/2013
CAMERA 0001

101
1/1

EX-100-111111



UNCLASSIFIED





San Diego County SHERIFF'S DEPARTMENT

REPORT OF OCCUPATIONAL INJURY

☐ Documentation Only

Date of Birth: [REDACTED]

Home Phone: [REDACTED]

Social Security #: [REDACTED]

County Hire Date: [REDACTED]

Total weekly hours: 42.5

[REDACTED]

9000 Cottonwood Ave Santee CA 92071

Occupation: Deputy Sheriff

Is employee (SHERIFF) LCDF

12.5 Work days / week: 7 days

819-258-3181

Gross wages per hour: 19.87

Location or exposure occurred: 9000 Cottonwood Ave Santee CA 92071

San Diego

Was this on employer's premises? ☐ No ☒ Yes

Employee doing when injured? (Please be specific. Identify tools, equipment or material the employee was using.)

I'm a TAC-TEAM member conducting use of force.

San Diego Sheriff's Department Inmate Detail Report

PERSONAL

Last: [REDACTED]
 First: [REDACTED]
 Middle: [REDACTED]
 Sex: [REDACTED]
 DOB: [REDACTED]
 Age: [REDACTED]
 Birth Place: [REDACTED]
 SSN: [REDACTED]
 RI System #: [REDACTED]
 Gang Flag: [REDACTED]
 Inmate Loc.: RELS - [REDACTED]
 DNA Status: Not Required
 Citizenship: UNITED STATES
 Foreign Notify: N
 Language: UNK
 English Ability: Unknown
 Race: [REDACTED]
 Hair: [REDACTED]
 Eyes: [REDACTED]
 Height: [REDACTED]
 Weight: [REDACTED]

Bk History

Booking photos are not public records, and may not be released to the public or media except as authorized by Sheriff's policy. Booking photos are provided by the San Diego County Sheriff's Department to your agency through SDLaw with the expectation that they will remain confidential, and not be disclosed to anyone outside of your agency. Copies of booking photos may be available pursuant to subpoena.

JIM # [REDACTED]

Bk #: [REDACTED]

Class: [REDACTED]

ARRESTS: 1

Arr. Agency: [REDACTED]
 Arr. Location: [REDACTED]
 Officer: [REDACTED]
 Officer ID: [REDACTED]
 Arr. Date: [REDACTED]
 Agency Case #: [REDACTED]
 Custody Days: 1
 Booking Date: [REDACTED]
 Booking Time: [REDACTED]
 Jail: [REDACTED]
 Area/HU/Cell: //
 Holds: [REDACTED]
 Arrest Type: [REDACTED]
 Date Released: [REDACTED]
 Release Type: CCP [REDACTED]
 Projected Release Date: [REDACTED]
 Sentenced?: No

Bail Information:

Not Eligible For Release

Remarks (1st Arr): [REDACTED] @ [REDACTED]

CHARGES

Arr	Arrest Date	Chg	Section	Code	Description	Court Case	Bail Amount	Flag	Dispo. Type	Dispo. Date/Time	ROC
1	[REDACTED]	41	[REDACTED]	VC	[REDACTED]	[REDACTED]	\$0 00	B	CCP	[REDACTED]	[REDACTED]

COURT

Appearance	Destination Court	Date	Time	Arrest
------------	-------------------	------	------	--------

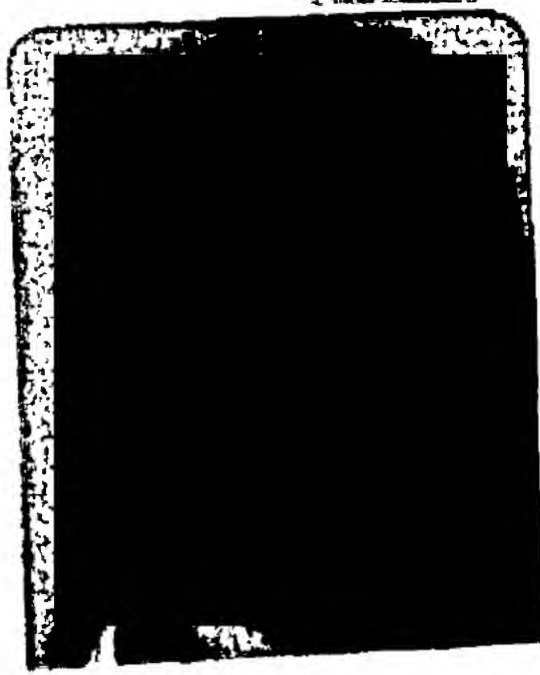
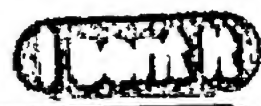
100-100000

100-100000

[REDACTED]

Call 1-800-100-1000

For more information
visit our website



Verizon

1:01 PM

51%

< Back

Cell

Details

Mon, Jun 23, 9:34 PM

U at home ?

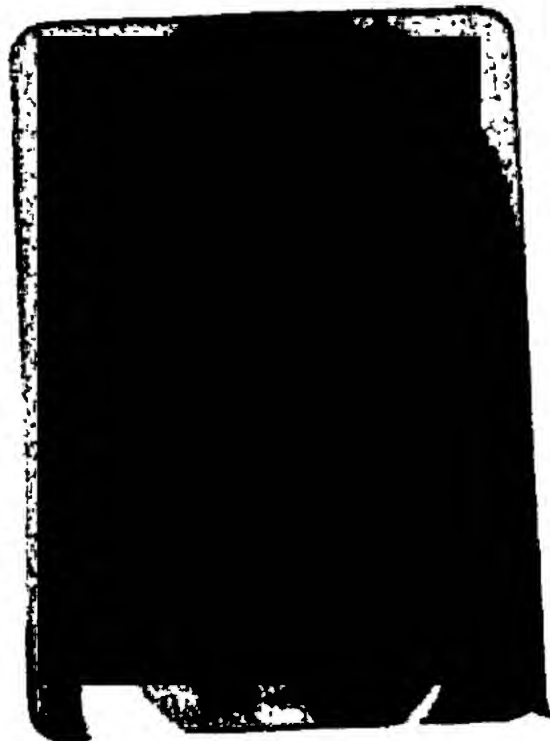
Yes sir

Are you super
drunky dunk?

No

iMessage

THE SECRETION OF



WIDE 210



Baker, Kimberley

From: Shands, Laura
Sent: Friday, November 21, 2014 1:51 PM
To: Baker, Kimberley
Subject: [REDACTED] results

Kim,

Normally every SART includes taking both urine and blood. I thought that happened with [REDACTED] but apparently she gave urine but no blood. The nurse packs it up so I don't know what is in the bag submitted. So, they can't test for BAC with urine and they sent the urine out to contracting company to do the drug pane. So no BAC on this one, but...

Her tox panel came back with a significant level of methamphetamines and amphetamines. That was a bit of a shock for me. I will be asking her about that. Negative for GHB and Ketamine, but...

Positive for metabolites of Benzodiazepines, (nordiazepam, oxazepam and temazepam). She had a significant amount of temazepam metabolites in her system which is a compound of "Ristoril", an insomnia and anxiety medication. These metabolites are not from her valium, which she takes occasionally. Rohypnol, a date rape drug, is a Benzodiazpine. The three metabolites in [REDACTED] urine could have been produced from Rohypnol, but without more extensive testing we cannot be certain. This certainly explains her change of behavior, consciousness, and inability to remember.

I will be checking with her about all of her drug use to rule out the above.

Detective Laura Shands
San Diego County Sheriff's Department
Central Investigations Division - Sexual Assault Unit
9621 Ridgehaven Court, San Diego, CA 92123
Desk: (858) 974-2317

Hey

How goes it? Things are
good for me today. I was able
to finally get some snacks, stationary
coffee, and phone time. I don't
know why you only put \$200⁰⁰ on
my books though. That's not right
& you know it. It's my money &
I thought we had an agreement.
I'm going to be spending \$125⁰⁰ a
week while I'm here. And that adds
up to \$500⁰⁰ A MONTH I don't know how you
justified taking \$300 out of \$550⁰⁰?
WTF? Anyway I'm not gonna
stress over it. I'll be out in
a few weeks or so & I'm keeping
track of the dates. I was happy
to be able to give you a hand, cuz
you're my friend & I love you. I
don't really feel like you care about
me though. I mean, it would be
so nice if you called the two of us

of me girl. Any at how
take care, & E-mail me if
you find the time. Please send
me some pics of my adorable
dog Charlie,
Phone #5

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

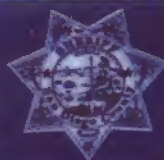
[REDACTED]

Take Care Sweetheart.

Love

[REDACTED]





SHERIFF
COUNTY OF SAN DIEGO



ROBBY STORTON

Sergeant - Detentions

A handwritten signature in black ink, appearing to read "Wm. B. Kolender".

WM. B. KOLENDER, SHERIFF

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Sex M Height 5-11 Weight 233

Hair BRN Eyes BRN D.O.B. [REDACTED]

CCW Authorized YES Expires N/A

Robert L. Tink 5896
Signature Employee No.

This card is the property of the Sheriff's Department and
must be rendered upon termination of employment

If Found, please drop in any U.S. Mailbox
P.O. Box 429000 San Diego, CA 92142-9000



BAR

SANTÉE
SPORTS BAR
COCKTAILS • SATELLITE TV

BAR

Mission Gorge Rd

Carlton Hills Blvd

NO
TURN
ON
RED

RIGHT
TURN
ONLY







CASH FOR GOLD
SILVER & PLATINUM
619.866.6164

BAR

SANTER
SPORTS BAR

BAR



[← Messages](#) Robert Toohey [Contact](#)

Today 4:57 PM

Your kids have
accused me of raping
you and beating the
shit out of you. No
sex! Even though
you wanted to. You
fell down several
times taking me with
you twice. My
glasses got broke at
the bar. Almost got
in a fight with some
dude who wanted to



Text Message

Send

[← Messages](#) Robert Toohey [Contact](#)

you twice. My glasses got broke at the bar. Almost got in a fight with some dude who wanted to keep you for himself. I am pretty sure you hit your eye on your door knob when you fell the final time when I went to get your keys from your purse. You took your pants off while laying in back seat of my car. Only reason I



Text Message

Send

purse. You took your pants off while laying in back seat of my car. Only reason I came down the hill to get you was because you texted me saying you were gonna drive drunk Cuz you don't give a fuck [REDACTED] says detectives will be at my house paid your tab last night and picked up my broken



[← Messages](#) Robert Toohey [Contact](#)

glasses.

I need new glasses
anyway

I was going to buy
you smokes and
monsters but I'm
pretty much broke
until payday and
once again I will be
nigga rich and able to
help you

I will try ncall u later
when I am not busy.



Text Message

Send

< Messages Robert Toohey Co

detectives will be at
my house paid your
tab last night and
picked up my broken
glasses.

I need new glasses
anyway

I was going to buy
you smokes and
monsters but I'm
pretty much broke
until payday and
once again I will be

Verizon 3G

7:38 PM

69%

< Messages Robert Toohey Contact



My right leg

God as my witness
we did not have
SEX!!!! AND IF YOU
FOR ONE GOD
DAMN MINUTE YOU
THINK THAT I
WOULD EVER AND I
MEAN EVER DO
THAT TO YOU!!!!
THEN DONT EVER
CONTACT ME AGAIN



Text Message

Send